



# புதுச்சேரி மாநில அரசிதழ் La Gazette de L'État de Poudouchéry The Gazette of Puducherry

## PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

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## GOVERNMENT OF PUDUCHERRY LAW DEPARTMENT

No. 701/2016-LD/Repub.

Puducherry, the 7th June 2016.

## NOTIFICATION

The following Acts passed by the Parliament are hereby republished for general information of the public.

- The Election Laws (Amendment) Act, 2016 (Act No. 10 of 2016);
- The Bureau of Indian Standards Act, 2016 (Act No. 11 of 2016);
- The Carriage by Air (Amendment) Act, 2016 (Act No. 12 of 2016);
- The High Court and the Supreme Court Judges (Salaries and Conditions of Service) (Amendment) Act, 2016 (Act No. 13 of 2016);
- The Real Estate (Regulations and Development) Act, 2016 (Act No. 16 of 2016);

- (vi) The National Waterways Act, 2016 (Act No. 17 of 2016); and
- (vii) The Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (Act No. 18 of 2016).

(By order)

**N. MURUGAVEL,**  
Under Secretary to Government (Law).

**THE ELECTION LAWS (AMENDMENT) ACT, 2016**  
**No. 10 OF 2016**

[3rd March, 2016.]

An Act further to amend the Representation of the People Act, 1950 and the  
Delimitation Act, 2002.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

**CHAPTER I**

**PRELIMINARY**

Short title and  
Commencement.

- 1. (1)** This Act may be called the Election Laws (Amendment) Act, 2016.
- (2)** It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**CHAPTER II**

**AMENDMENT TO THE REPRESENTATION OF THE PEOPLE ACT, 1950**

Amendment  
of section 9.

- 2.** In section 9 of the Representation of the People Act, 1950, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

“(c) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as appear to it to be necessary or expedient for bringing the Order up-to-date by including therein and excluding therefrom the relevant areas, consequent upon the exchange of one hundred and eleven enclaves of India and fifty-one enclaves of Bangladesh with effect from 31st July, 2015, in pursuance of the Constitution (One Hundredth Amendment) Act, 2015.”.

**CHAPTER III**

**AMENDMENT TO THE DELIMITATION ACT, 2002**

Amendment  
of section 11.

- 3.** In section 11 of the Delimitation Act, 2002, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

“Provided that the Election Commission may make such amendments, as appear to it to be necessary or expedient, for bringing the said orders up-to-date by including therein and excluding therefrom the relevant areas, consequent upon the exchange of one hundred and eleven enclaves of India and fifty-one enclaves of Bangladesh with effect from 31st July, 2015, in pursuance of the Constitution (One Hundredth Amendment) Act, 2015.”.



## THE BUREAU OF INDIAN STANDARDS ACT, 2016

No. 11 OF 2016

[21st March, 2016.]

An Act to provide for the establishment of a national standards body for the harmonious development of the activities of standardisation, conformity assessment and quality assurance of goods, articles, processes, systems and services and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the Bureau of Indian Standards Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "article" means any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured or hand-made within India or imported into India;

(2) "assaying and hallmarking centre" means a testing and marking centre recognised by the Bureau to determine the purity of precious metal articles and to apply hallmark on the precious metal articles in a manner as may be determined by regulations;

(3) "Bureau" means the Bureau of Indian Standards established under section 3;

(4) "certification officer" means a certification officer appointed under sub-section (1) of section 27;

(5) "certified body" means a holder of certificate of conformity or licence under sub-section (2) of section 13 in relation to any goods, article, process, system or service which conforms to a standard;

(6) "certified jeweller" means a jeweller who has been granted a certificate by the Bureau to get manufactured for sale or to sell any precious metal article after getting the same hallmarked in a manner as may be determined by regulations;

(7) "conformity assessment" means demonstration that requirements as may be specified relating to an article, process, system, service, person or body are fulfilled;

(8) "conformity assessment scheme" means a scheme relating to such goods, article, process, system or service as may be notified by the Bureau under section 12;

(9) "consumer" means a person as defined in the Consumer Protection Act, 1986;

68 of 1986.

(10) "covering" includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper, bag, sack, pouch or other container;

(11) "Director General" means the Director General appointed under sub-section (1) of section 7;

(12) "Executive Committee" means the Executive Committee constituted under sub-section (1) of section 4;

(13) "fund" means the fund constituted under section 20;

(14) "goods" includes all kinds of movable properties under the Sale of Goods Act, 1930, other than actionable claims, money, stocks and shares;

3 of 1930.

(15) "Governing Council" means a Governing Council constituted under sub-section (3) of section 3;

(16) "Hallmark" means in relation to precious metal article, the Standard Mark, which indicates the proportionate content of precious metal in that article as per the relevant Indian Standard;

(17) "Indian Standard" means the standard including any tentative or provisional standard established and published by the Bureau, in relation to any goods, article, process, system or service, indicative of the quality and specification of such goods, article, process, system or service and includes—

(i) any standard adopted by the Bureau under sub-section (2) of section 10; and

(ii) any standard established and published, or recognised, by the Bureau of Indian Standards established under the Bureau of Indian Standard Act, 1986, which was in force immediately before the commencement of this Act;

63 of 1986.

(18) "Indian Standards Institution" means the Indian Standards Institution registered under the Societies Registration Act, 1860;

21 of 1860.

(19) "jeweller" means a person engaged in the business to get manufactured precious metal article for sale or to sell precious metal articles;

(20) "licence" means a licence granted under section 13 to use a specified Standard Mark in relation to any goods, article, process, system or service, which conforms to a standard;

(21) "manufacturer" means a person responsible for designing and manufacturing any goods or article;

(22) "mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;

(23) "member" means a member of the Governing Council, Executive Committee or any of the Advisory Committee;

(24) "notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;

(25) "person" means a manufacturer, an importer, a distributor, retailer, seller or lessor of goods or article or provider of service or any other person who uses or applies his name or trade mark or any other distinctive mark on to goods or article or while providing a service, for any consideration or gives goods or article or provides service as prize or gift for commercial purposes including their representative and any person who is engaged in such activities, where the manufacturer, importer, distributor, retailer, seller, lessor or provider of service cannot be identified;

(26) "precious metal" means gold, silver, platinum and palladium;

(27) "precious metal article" means any article made entirely or in part from precious metals or their alloys;

(28) "prescribed" means prescribed by rules made under this Act;

(29) "process" means a set of inter-related or interacting activities, which transforms inputs into outputs;

(30) "recognised testing and marking centre" means a testing and marking centre recognised by the Bureau under sub-section (5) of section 14;

(31) "recognised testing laboratory" means a testing laboratory recognised by the Bureau under sub-section (4) of section 13;

(32) "registering authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;

(33) "regulations" means regulations made by the Bureau under this Act;

(34) "sale" means to sell, distribute, hire, lease or exchange of goods, article, process, system or service for any consideration or for commercial purposes;

(35) "seller" means a person who is engaged in the sale of any goods, article, process, system or service;

(36) "service" means the result generated by activities at the interface between an organisation and a customer and by organisation's internal activities, to meet customer requirements;

(37) "specification" means a description of goods, article, process, system or service as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or processing, consistency and reliability of service delivery or other characteristics to distinguish it from any other goods, article, process, system or service;

(38) "specified" means specified by the regulations;

(39) "standards" means documented agreements containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics, to ensure that goods, articles, processes, systems and services are fit for their purpose;

(40) "Standard Mark" means the mark specified by the Bureau, and includes Hallmark, to represent conformity of goods, article, process, system or service to a particular Indian Standard or conformity to a standard, the mark of which has been established, adopted or recognised by the Bureau and is marked on the article or goods as a Standard Mark or on its covering or label attached to such goods or article so marked;

(41) "system" means a set of inter-related or interacting elements;

(42) "testing laboratory" means a body set up for the purpose of testing of goods or article against a set of requirements and report its findings;

(43) "trade mark" means a mark used or proposed to be used in relation to goods or article or process or system or service for the purpose of indicating, or so as to indicate, a connection in the course of trade of goods, article, process, system or service, as the case may be, and some person having the right, either as proprietor or as registered user, to use the mark, whether with or without any indication of the identity of that person.

## CHAPTER II

### BUREAU OF INDIAN STANDARDS

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a national body for the purposes of this Act, a Bureau, to be called the Bureau of Indian Standards.

(2) The Bureau shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

Establishment of  
Bureau and  
Constitution of  
Governing Council.

(3) The members of the Governing Council shall constitute the Bureau and general superintendence, direction and management of the affairs of the Bureau shall vest in the Governing Council, which shall consist of the following members, namely:—

(a) the Minister in-charge of the Ministry or Department of the Central Government having administrative control of the Bureau who shall be *ex officio* President of the Bureau;

(b) the Minister of State or a Deputy Minister, if any, in the Ministry or Department of the Central Government having administrative control of the Bureau who shall be *ex officio* Vice-President of the Bureau, and where there is no such Minister of State or Deputy Minister, such person as may be nominated by the Central Government to be the Vice-President of the Bureau;

(c) the Secretary to the Government of India of the Ministry or Department of the Central Government having administrative control of the Bureau, *ex officio*;

(d) the Director General of the Bureau, *ex officio*;

(e) such number of other persons to represent the Government, industry, scientific and research institutions, consumers and other interests, as may be prescribed, to be appointed by the Central Government.

(4) The term of office of the members referred to in clause (e) of sub-section (3) and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members, shall be such as may be prescribed:

Provided that a member, other than an *ex officio* member of the Bureau of Indian Standards constituted under the Bureau of Indian Standards Act, 1986, shall, after the commencement of this Act, continue to hold such office as member till the completion of his term.

63 of 1986.

(5) The Governing Council may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Governing Council relevant to the purposes for which he has been associated but shall not have the right to vote.

(6) The Governing Council may, by general or special order in writing, delegate to any member, the Director General or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act except the powers under section 37 as it may deem necessary.

Executive  
Committee of  
Bureau.

4. (1) The Governing Council may, with the prior approval of the Central Government, by notification in the Official Gazette, constitute an Executive Committee which shall consist of the following members, namely:—

(a) Director General of the Bureau, who shall be its *ex officio* Chairman; and

(b) such number of members, as may be prescribed.

(2) The Executive Committee constituted under sub-section (1) shall perform, exercise and discharge such functions, powers and duties of the Bureau, as may be delegated to it by the Governing Council.

Advisory  
Committees of  
Bureau

5. (1) Subject to any regulations made in this behalf, the Governing Council may, from time to time and as and when it is considered necessary, constitute the following Advisory Committees for the efficient discharge of the functions of the Bureau, namely: —

(a) Finance Advisory Committee;

(b) Conformity Assessment Advisory Committee;

- (c) Standards Advisory Committee;
- (d) Testing and Calibration Advisory Committee; and
- (e) such number of other committees as may be specified by regulations.

(2) Each Advisory Committee shall consist of a Chairman and such other members as may be specified by regulations.

6. No act or proceedings of the Governing Council, under section 3 shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of the Governing Council; or
- (b) any defect in the appointment of a person acting as a member of the Governing Council; or
- (c) any irregularity in the procedure of the Governing Council not affecting the merits of the case.

Vacancies,  
etc., not to  
invalidate act  
or  
proceedings.

7. (1) The Central Government shall appoint a Director General of the Bureau.

Director  
General.

(2) The terms and conditions of service of the Director General of the Bureau shall be such as may be prescribed.

(3) Subject to the general superintendence and control of the Governing Council, the Director General of the Bureau shall be the Chief Executive Authority of the Bureau.

(4) The Director General of the Bureau shall exercise and discharge such of the powers and duties of the Bureau as may be specified by regulations.

(5) The Director General may, by general or special order in writing, delegate to any officer of the Bureau subject to such conditions, if any, as may be specified in the order, such of his powers and functions as are assigned to him under the regulations or are delegated to him by the Governing Council, as he may deem necessary.

8. (1) The Bureau may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Officers and  
employees of  
Bureau.

(2) The terms and conditions of service of officers and employees of the Bureau appointed under sub-section (1) shall be such as may be specified by regulations.

9. (1) The powers and duties as may be assigned to the Bureau under this Act shall be exercised and performed by the Governing Council and, in particular, such powers may include the power to—

Powers and  
functions of  
Bureau.

(a) establish branches, offices or agencies in India or outside;

(b) recognise, on reciprocal basis or otherwise, with the prior approval of the Central Government, the mark of any international body or institution, on such terms and conditions as may be mutually agreed upon by the Bureau in relation to any goods, article, process, system or service at par with the Standard Mark for such goods, article, process, system or service;

(c) seek recognition of the Bureau and of the Indian Standards outside India on such terms and conditions as may be mutually agreed upon by the Bureau with any corresponding institution or organisation in any country or with any international organisation;

(d) enter into and search places, premises or vehicles, and inspect and seize goods or articles and documents to enforce the provisions of this Act;

(e) provide services to manufacturers and consumers of goods or articles or processes for compliances of standards on such terms and conditions as may be mutually agreed upon;

(f) provide training services in relation to quality management, standards, conformity assessment, laboratory testing and calibration, and any other related areas;

(g) publish Indian Standards and sell such publications and publications of international bodies;

(h) authorise agencies in India or outside India for carrying out any or all activities of the Bureau and such other purposes as may be necessary on such terms and conditions as it deems fit;

(i) obtain membership in regional, international and foreign bodies having objects similar to that of the Bureau and participate in international standards setting process;

(j) undertake testing of samples for purposes other than for conformity assessment; and

(k) undertake activities relating to legal metrology.

(2) The Bureau shall take all necessary steps for promotion, monitoring and management of the quality of goods, articles, processes, systems and services, as may be necessary, to protect the interests of consumers and various other stake holders which may include the following namely:—

(a) carrying out market surveillance or survey of any goods, article, process, system or service to monitor their quality and publish findings of such surveillance or surveys;

(b) promotion of quality in connection with any goods, article, process, system or service by creating awareness among the consumers and the industry and educate them about quality and standards in connection with any goods, article, process, system and service;

(c) promotion of safety in connection with any goods, article, process, system or service;

(d) identification of any goods, articles, process, system or service for which there is a need to establish a new Indian Standard, or to revise an existing Indian Standard;

(e) promoting the use of Indian Standards;

(f) recognising or accrediting any institution in India or outside which is engaged in conformity certification and inspection of any goods, article, process, system or service or of testing laboratories;

(g) coordination and promotion of activities of any association of manufacturers or consumers or any other body in relation to improvement in the quality or in the implementation of any quality assurance activities in relation to any goods, article, process, system or service; and

(h) such other functions as may be necessary for promotion, monitoring and management of the quality of goods, articles, processes, systems and services and to protect the interests of consumers and other stake holders.

(3) The Bureau shall perform its functions under this section through the Governing Council in accordance with the direction and subject to such rules as may be made by the Central Government.

### CHAPTER III

#### INDIAN STANDARDS, CERTIFICATION AND LICENCE

Indian Standards.

**10. (1)** The standards established by the Bureau shall be the Indian Standards.

**(2)** The Bureau may—

(a) establish, publish, review and promote the Indian Standard, in relation to any goods, article, process, system or service in such manner as may be prescribed;

(b) adopt as Indian Standard, any standard, established by any other Institution in India or elsewhere, in relation to any goods, article, process, system or service in such manner as may be prescribed;

(c) recognise or accredit any institution in India or outside which is engaged in standardisation;

(d) undertake, support and promote such research as may be necessary for formulation of Indian Standards.

(3) The Bureau, for the purpose of this section, shall constitute, as and when considered necessary, such number of technical committees of experts for the formulation of standards in respect of goods, articles, processes, systems or services, as may be necessary.

(4) The Indian Standard shall be notified and remain valid till withdrawn by the Bureau.

(5) Notwithstanding anything contained in any other law, the copyright in an Indian Standard or any other publication of the Bureau shall vest in the Bureau.

**11. (1)** No individual shall, without the authorisation of the Bureau, in any manner or form, publish, reproduce or record any Indian Standard or part thereof, or any other publication of the Bureau.

Prohibition to publish, reproduce or record without authorisation by Bureau.

(2) No person shall issue a document that creates, or may create the impression that it is or contains an Indian Standard, as contemplated in this Act:

Provided that nothing in this sub-section shall prevent any individual from making a copy of Indian Standard for his personal use.

**12. (1)** The Bureau may notify a specific or different conformity assessment scheme for any goods, article, process, system or service or for a group of goods, articles, processes, systems or services, as the case may be, with respect to any Indian Standard or any other standard in a manner as may be specified by regulations.

Conformity Assessment scheme.

(2) The Bureau may establish a Standard Mark in relation to each of its conformity assessment schemes, which shall be of such design and contain such particulars as may be specified by regulations to represent a particular standard.

**13. (1)** A person may apply for grant of licence or certificate of conformity, as the case may be, if the goods, article, process, system or service conforms to an Indian Standard.

Grant of licence or certificate of conformity.

(2) Where any goods, article, process, system or service conforms to a standard, the Director General may, by an order, grant—

(a) a certificate of conformity in a manner as may be specified by regulations; or

(b) a licence to use or apply a Standard Mark in a manner as may be specified by regulations,

subject to such conditions and on payment of such fees, including late fee or fine, before or during the operation of the certificate of conformity or licence, and as determined by regulations.

(3) While granting a certificate of conformity or licence to use a Standard Mark, the Bureau may, by order, specify the marking and labelling requirements that shall necessarily be affixed as may be specified from time to time.

(4) The Bureau may establish, maintain or recognise testing laboratories for the purposes of conformity assessment and quality assurance and for such other purposes as may be required for carrying out its functions.

Certification of Standard Mark of Jewellers and sellers of certain specified goods or articles.

**14. (1)** The Central Government, after consulting the Bureau, may notify precious metal articles or other goods or articles as it may consider necessary, to be marked with a Hallmark or Standard Mark, as the case may be, in a manner as specified in sub-section (2).

(2) The goods or articles notified in sub-section (1) may be sold through retail outlets certified by the Bureau after such goods or articles have been assessed for conformity to the relevant standard by testing and marking centre, recognised by the Bureau and marked with Hallmark or Standard Mark, as the case may be, as specified by regulations.

(3) The Central Government may, after consulting the Bureau, by an order published in the Official Gazette, make it compulsory for the sellers of goods or article notified under sub-section (1) to be sold only through certified sales outlets fulfilling such conditions as may be determined by regulations.

(4) The Bureau may, by an order, grant, renew, suspend or cancel certification of Standard Mark or Hallmark of a jeweller or any other seller for sale of goods or articles notified under sub-section (1) in such manner as may be determined by regulations.

(5) The Bureau may establish, maintain and recognise testing and marking centres, including assaying and hallmarking centres, for conformity assessment and application of Standard Mark, including Hallmark, on goods or articles notified under sub-section (1), in a manner as may be specified by regulations.

(6) No testing and marking centre or assaying and hallmarking centre, other than the recognised by the Bureau, shall with respect to goods or articles notified under sub-section (1), use, affix, emboss, engrave, print or apply in any manner the Standard Mark, including the Hallmark, or colourable imitation thereof, on any goods or article; and make any claim in relation to the use and application of a Standard Mark, including the Hallmark, through advertisements, sales promotion leaflets, price lists or the like.

(7) Every recognised testing and marking centre, including assaying and hallmarking centre, shall use or apply Standard Mark on good or articles notified under sub-section (1), including Hallmark on precious metal articles, after accurately determining the conformity of the same in a manner as may be specified.

(8) No recognised testing and marking centre, including assaying and hallmarking centre, shall, notwithstanding that it has been recognised under sub-section (5), use or apply in relation to any goods or article notified under sub-section (1) a Standard Mark, including Hallmark, or any colourable imitation thereof, unless such goods or article conforms to the relevant standard.

Prohibition to import, sell, exhibit, etc.

**15. (1)** No person shall import, distribute, sell, store or exhibit for sale, any goods or article under sub-section (1) of section 14, except under certification from the Bureau.

(2) No person, other than that certified by the Bureau, shall sell or display or offer to sell goods or articles that are notified under sub-section (3) of section 14 and marked with the Standard Mark, including Hallmark and claim in relation to the Standard Mark, including Hallmark, through advertisements, sales promotion leaflets, price lists or the like.

(3) No certified jeweller or seller shall sell or display or offer to sell any notified goods or articles, notwithstanding that he has been granted certification, with the Standard Mark, including Hallmark, or any colourable imitation thereof, unless such goods or article is marked with a Standard Mark or Hallmark, in a manner as may be specified by regulations, and unless such goods or article conforms to the relevant standard.

Central Government to direct compulsory use of Standard Mark.

**16. (1)** If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest or for the protection of human, animal or plant health, safety of the environment, or prevention of unfair trade practices, or national security, it may, after consulting the Bureau, by an order published in the Official Gazette, notify—

(a) goods or article of any scheduled industry, process, system or service; or

(b) essential requirements to which such goods, article, process, system or service,



which shall conform to a standard and direct the use of the Standard Mark under a licence or certificate of conformity as compulsory on such goods, article, process, system or service.

*Explanation.*—For the purpose of this sub-section,—

65 of 1951.

(i) the expression “scheduled industry” shall have the meaning assigned to it in the Industries (Development and Regulation) Act, 1951;

(ii) it is hereby clarified that essential requirements are requirements, expressed in terms of the parameters to be achieved or requirements of standard in technical terms that effectively ensure that any goods, article, process, system or service meet the objective of health, safety and environment.

(2) The Central Government may, by an order authorise Bureau or any other agency having necessary accreditation or recognition and valid approval to certify and enforce conformity to the relevant standard or prescribed essential requirements under sub-section (1).

17. (1) No person shall manufacture, import, distribute, sell, hire, lease, store or exhibit for sale any such goods, article, process, system or service under sub-section (1) of section 16—

Prohibition to manufacture, sell, etc., certain goods without Standard Mark.

(a) without a Standard Mark, except under a valid licence; or

(b) notwithstanding that he has been granted a license, apply a Standard Mark, unless such goods, article, process, system or service conforms to the relevant standard or prescribed essential requirements.

(2) No person shall make a public claim, through advertisements, sales promotion leaflets, price lists or the like, that his goods, article, process, system or service conforms to an Indian standard or make such a declaration on the goods or article, without having a valid certificate of conformity or licence from the Bureau or any other authority approved by the Central Government under sub-section (2) of section 16.

(3) No person shall use or apply or purport to use or apply in any manner, in the manufacture, distribution, sale, hire, lease or exhibit or offer for sale of any goods, article, process, system or service, or in the title of any patent or in any trade mark or design, a Standard Mark or any colourable imitation thereof, except under a valid licence from the Bureau.

18. (1) The licence holder shall, at all times, remain responsible for conformance of the goods, articles, processes, systems or services carrying the Standard Mark.

Obligations of licence holder, seller, etc.

(2) It shall be the responsibility of the distributor or the seller, as the case may be, to ensure that goods, articles, processes, systems or services carrying the Standard Mark are purchased from certified body or licence holder.

(3) It shall be the responsibility of the seller before the goods or article is sold or offered to be sold or exhibited or offered for sale to ensure that—

(a) goods, articles, processes, systems or services carrying the Standard Mark bear the requisite labels and marking details, as specified by the Bureau from time to time;

(b) the marking and labelling requirements on the product or covering is displayed in a manner that has been specified by the Bureau.

(4) Every certified body or licence holder shall supply to the Bureau with such information and with such samples of any material or substance used in relation to any goods, article, process, system or service, as the case may be, as the Bureau may require for monitoring its quality and for the recovery of the fee as may be prescribed in the certificate of conformity or the licence.

(5) (a) The Bureau may make such inspection and take such samples of any material or substance as may be necessary to see whether any goods, article, process, system or service, in relation to which a Standard Mark has been used, conforms to the requirements of the relevant standard or whether the Standard Mark has been properly used in relation to any goods, article, process, system or service with or without a licence.

(b) The Bureau may publicise the results of its findings and the directions given in pursuance thereof.

(6) If the Bureau is satisfied under the provisions of sub-sections (4) and (5) that the goods, articles, processes, systems or services in relation to which a Standard Mark has been used do not conform to the requirements of the relevant standard, the Bureau may direct the certified body or licence holder or his representative to stop the supply and sale of non-conforming goods or articles and recall the non-conforming goods or articles that have already been supplied or offered for sale and bear such mark from the market or any such place from where they are likely to be offered for sale or prohibit to provide the service.

(7) Where a certified body or licence holder or his representative has sold goods, articles, processes, system or services, which bear a Standard Mark or any colourable imitation thereof, which do not conform to the relevant standard, the Bureau shall direct the certified body or licence holder or his representative to—

(a) repair or replace or reprocess the standard marked goods, article, process, system or service in a manner as may be specified; or

(b) pay compensation to the consumer as may be prescribed by the Bureau; or

(c) be liable for the injury caused by non-conforming goods or article, which bears a Standard Mark, as per the provisions of section 31.

#### CHAPTER IV

##### FINANCE, ACCOUNTS AND AUDIT

Financial Management of Bureau of Indian Standards.

19. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Bureau grants and loans of such sums of money as the Government may consider necessary.

Fund of Bureau.

20. (1) There shall be constituted a fund to be called the Bureau of Indian Standards fund and there shall be credited thereto—

(a) any grants and loans made to the Bureau by the Central Government;

(b) all fees and charges received by the Bureau under this Act;

(c) all fines received by the Bureau;

(d) all sums received by the Bureau from such other sources as may be decided upon by the Central Government.

(2) The fund shall be applied for meeting—

(a) the salary, allowances and other remuneration of the members, Director General, officers and other employees of the Bureau;

(b) expenses of the Bureau in the discharge of its functions under the Act; and

(c) expenses on objects and for purposes authorised by this Act:

Provided that the fines received in clause (c) of sub-section (1) shall be used for consumer awareness, consumer protection and promotion of quality of goods, articles, processes, system or services in the country.

Borrowing powers of Bureau.

21. (1) The Bureau may, with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source as it may deem fit for discharging all or any of its functions under this Act.

(2) The Central Government may guarantee in such manner as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to the loans borrowed by Bureau under sub-section (1).

**22.** The Bureau shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Bureau and forward the same to the Central Government.

Budget.

**23. (1)** The Bureau shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

Annual report.

**(2)** The Central Government shall cause the annual report to be laid, as soon as may be after it is received, before each House of Parliament.

**24. (1)** The Bureau shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

**(2)** The accounts of the Bureau shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Bureau to the Comptroller and Auditor-General of India.

**(3)** The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Bureau shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any office of the Bureau.

**(4)** The accounts of the Bureau as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

## CHAPTER V

### MISCELLANEOUS

**25. (1)** Without prejudice to the foregoing provisions of this Act, the Bureau shall, in the exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Power of Central Government to issue directions.

Provided that the Bureau shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

**(2)** The decision of the Central Government whether a question is one of policy or not shall be final.

**(3)** The Central Government may take such other action as may be necessary for the promotion, monitoring and management of quality of goods, articles, processes, systems and services and to protect the interests of consumers and various other stakeholders and notify any other goods, articles, processes, systems and services for the purpose of sub-section (1) of section 16.

**26. (1)** No person shall, with a view to deceive or likely to deceive the public, use without the previous permission of the Bureau,—

Restriction on use of name of Bureau and Indian Standard.

**(a)** any name which so nearly resembles the name of the Bureau as to deceive or likely to deceive the public or the name which contains the expression "Indian Standard" or any abbreviation thereof; or

**(b)** any title of any patent or mark or trade mark or design, in relation to any goods, article, process, system or service, containing the expressions "Indian Standard" or "Indian Standard Specification" or any abbreviation of such expressions.

(2) Notwithstanding anything contained in any law for the time being in force, no registering authority shall—

(a) register any company, firm or other body of persons which bears any name or mark; or

(b) register a trade mark or design which bears any name or mark; or

(c) grant a patent, in respect of an invention, which bears a title containing any name or mark,

if the use of such name or mark is in contravention of sub-section (1).

(3) If any question arises before a registering authority whether the use of any name or mark is in contravention of sub-section (1), the registering authority may refer the question to the Central Government whose decision thereon shall be final.

Appointment and powers of certification officers.

**27. (1)** The Bureau may appoint as many certification officers as may be necessary for the purpose of inspection whether any goods, article, process, system or service in relation to which the Standard Mark has been used conforms to the relevant standard or whether the Standard Mark has been properly used in relation to any goods, article, process, system or service with or without licence, and for performing such other functions as may be assigned to them.

(2) Subject to any rules made under this Act, a certification officer shall have power to—

(a) inspect any operation carried on in connection with any goods, article, process, system or service in relation to which the Standard Mark has been used; and

(b) take samples of any goods or article or of any material or substance used in any goods, article, process, system or service, in relation to which the Standard Mark has been used.

(3) Every certification officer shall be furnished by the Bureau with a certificate of appointment as a certification officer, and the certificate shall, on demand, be produced by the certification officer.

(4) Every certified body or licence holder shall—

(a) provide reasonable facilities to certification officer to enable him to discharge the duties imposed on him;

(b) inform certification officer or the Bureau of any change in the conditions which were declared or verified by the certification officer or the Bureau at the time of grant of certificate of conformity or licence.

(5) Any information obtained by a certification officer or the Bureau from any statement made or information supplied or any evidence given or from inspection made under the provisions of this Act shall be treated as confidential:

Provided that nothing shall apply to the disclosure of any information for the purpose of prosecution and protection of interest of consumers.

Power to search and seizure.

**28. (1)** If the certification officer has reason to believe that any goods or articles, process, system or service in relation to which the contravention of section 11 or sub-sections (6) or (8) of section 14 or section 15 or section 17 has taken place are secreted in any place, premises or vehicle, he may enter into and search such place, premises or vehicle for such goods or articles, process, system or service, as the case may be.

(2) Where, as a result of any search made under sub-section (1), any goods or article, process, system or service has been found in relation to which contravention of section 11 or sub-sections (6) or (8) of section 14 or section 15 or section 17 has taken place, the certification officer may seize such goods or article and other material and documents which, in his opinion will be useful for, or relevant to any proceeding under this Act:

Provided that where it is not practicable to seize any such goods or article or material or document, the certification officer may serve on the owner an order that he shall not remove, part with, or otherwise deal with, the goods or article or material or document except with the previous permission of the certification officer.

2 of 1974.

(3) The provision of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

**29. (1)** Any person who contravenes the provisions of section 11 or sub-section (1) of section 26 shall be punishable with fine which may extend to five lakh rupees.

Penalty for  
contravention.

(2) Any person who contravenes the provisions of sub-sections (6) or (8) of section 14 or section 15 shall be punishable with imprisonment for a term which may extend to one year or with fine which shall not be less than one lakh rupees, but may extend up to five times the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark including Hallmark, or with both:

Provided that where the value of goods or articles produced or sold or offered to be sold cannot be determined, it shall be presumed that one year's production was in such contravention and the annual turnover in the previous financial year shall be taken as the value of goods or articles for such contravention.

(3) Any person who contravenes the provisions of section 17 shall be punishable with imprisonment for a term which may extend up to two years or with fine which shall not be less than two lakh rupees for the first contravention and not be less than five lakh rupees for the second and subsequent contraventions, but may extend up to ten times the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark, including Hallmark, or with both:

Provided that where the value of goods or articles produced or sold or offered to be sold cannot be determined, it shall be presumed that one year's production was in such contravention and the annual turnover in the previous financial year shall be taken as the value of goods or articles for such contravention.

(4) The offence under sub-section (3) shall be cognizable.

Offences by  
companies.

**30.** Where an offence under this Act has been committed by a company, every director, manager, secretary or other officer of the company who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, or authorised representative of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly, irrespective of the fact that the offence has been committed with or without the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, or authorised representative of the company.

*Explanation.*—For the purposes of this section,—

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Compensation  
for non-  
conforming  
goods.

**31.** Where a holder of licence or certificate of conformity or his representative has sold any goods, article, process, system or service, which bears a Standard Mark not conforming to the relevant standard, or with colourable imitation, the certified body or licence holder or his representative shall be liable to compensate the consumer for the injury caused by such non-conforming goods, article, process, system or service in such manner as may be prescribed.

Cognizance of  
offence by  
courts.

**32. (1)** No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, specially empowered in this behalf, shall try any offence punishable under this Act.

(2) No court shall take cognizance of any offence punishable under this Act save on a complaint made by—

- (a) or under the authority of the Bureau; or
- (b) any police officer, not below the rank of deputy superintendent of police or equivalent; or
- (c) any authority notified under sub-section (2) of section 16; or
- (d) any officer empowered under the authority of the Government; or
- (e) any consumer; or
- (f) any association.

(3) Any police officer not below the rank of deputy superintendent of police or equivalent, may, if he is satisfied that any of the offences referred to in sub-section (3) of section 29 has been, is being, or is likely to be, committed, search and seize without warrant, the goods, die, block, machine, plate, other instruments or things involved in committing the offence, wherever found, and all the articles so seized shall, as soon as practicable, be produced before a Magistrate as prescribed under sub-section (1).

(4) The court may direct that any property in respect of which the contravention has taken place shall be forfeited to the Bureau.

(5) The court may direct that any fine, in whole or any part thereof, payable under the provisions of this Act, shall be payable to the Bureau.

Compounding of offence.

**33.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed for the first time, punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by an officer so authorised by the Director General, in such manner as may be prescribed:

2 of 1974.

Provided that the sum so specified shall not in any case exceed the maximum amount of the fine which may be imposed under section 29 for the offence so compounded; and any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded shall be deemed to be an offence committed for the first time.

(2) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Bureau.

(3) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(4) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence against the offender in relation to whom the offence is so compounded.

(5) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought to the notice of the court in which the prosecution is pending in writing by the officer referred to in sub-section (1), and on such notice of the composition of the offence being given and its acceptance by the court, the person against whom the offence is so compounded shall be discharged.

Appeal.

**34.** (1) Any person aggrieved by an order made under section 13 or sub-section (4) of section 14 or section 17 of this Act may prefer an appeal to Director General of the Bureau within such period as prescribed.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Director General that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed.

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

(5) The Director General may *suo motu* or on an application made in the manner prescribed review the order passed by any officer to whom the power has been delegated by him.

(6) Any person aggrieved by an order made under sub-section (1) or sub-section (5) may prefer an appeal to the Central Government having administrative control of the Bureau within such period as may be prescribed.

45 of 1860.

**35.** All members, officers and other employees of the Bureau shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, officers and employees of Bureau to be public servants.

**36.** No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member, officer or other employee of the Bureau for anything which is in done or intended to be done in good faith under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

**37.** All orders and decisions of, and all other instruments issued by, the Bureau shall be authenticated by the signature of such officer or officers as may be authorised by the Bureau in this behalf.

Authentication of orders and other instruments of Bureau.

**38.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

**39.** The Executive Committee may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules to carry out the purposes of this Act.

Power to make regulations.

**40.** Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

1 of 1937.  
23 of 1940.

**41.** Nothing in this Act shall affect the operation of the Agricultural Produce (Grading and Marking) Act, 1937 or the Drugs and Cosmetics Act, 1940, or any other law for the time being in force, which deals with any standardisation or quality control of any goods, article, process, system or service.

Act not to affect operation of certain Act.

**42.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and  
savings.

**43. (1)** The Bureau of Indian Standards Act, 1986 is hereby repealed.

63 of 1986.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have done or taken including any rule, regulation, notification, scheme, specification, Indian Standard, Standard Mark, inspection order or notice made, issued or adopted, or any appointment, or declaration made or any licence, permission, authorisation or exemption granted or any document or instrument executed or direction given or any proceedings taken or any penalty or fine imposed under the Act hereby repealed shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

10 of 1897.

## THE CARRIAGE BY AIR (AMENDMENT) ACT, 2016

No. 12 of 2016

[21st March, 2016.]

An Act further to amend the Carriage by Air Act, 1972.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Carriage by Air (Amendment) Act, 2016.

Amendment of  
section 4A

**2.** In the Carriage by Air Act, 1972 (hereinafter referred to as the principal Act), in section 4A, after sub-section (5), the following sub-section shall be inserted, namely:—

69 of 1972.

“(6) The Central Government may, having regard to the objects of the Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, give effect to the limits of liability, revised by the depository under rule 24 of Chapter III of the Third Schedule to this Act, for the purposes of determining the liabilities of the carriers and extent of compensation for damages under the said Chapter of that Schedule.”.

Insertion of new  
section 8A.

**3.** After section 8 of the principal Act, the following section shall be inserted, namely:—

Power to make  
rules.

“8A. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.”.



**THE HIGH COURT AND THE SUPREME COURT JUDGES (SALARIES  
AND CONDITIONS OF SERVICE) (AMENDMENT) ACT, 2016**

No. 13 OF 2016

[21st March, 2016.]

An Act further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

**CHAPTER I**

**PRELIMINARY**

**1. (1)** This Act may be called the High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2016.

Short title and commencement.

(2) The provisions of section 8 shall be deemed to have come into force on the 1st day of April, 2004 and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**CHAPTER II**

**AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND  
CONDITIONS OF SERVICE) ACT, 1954**

28 of 1954

**2.** In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), in section 2,—

Amendment of section 2.

(a) in sub-section (1),—

(i) in clause (b), the words, brackets and figures "under sub-section (2) of section 222 of the Government of India Act, 1935 or" shall be omitted;

(ii) in clause (d), the words, brackets and figures "under sub-section (3) of section 222 of the Government of India Act, 1935 or" shall be omitted;

(iii) clause (e) shall be omitted;

(b) in sub-section (2), for the words "previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court", the words "service for any period or periods as acting Judge or additional Judge" shall be substituted;

(c) sub-sections (3) and (4) shall be omitted.

**3.** In the High Court Judges Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 3.

"(3) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed."

**4.** In the High Court Judges Act, in section 4A, for the words "in respect of the period of earned leave at his credit", the words "in respect of the period of leave at his credit, calculated on full allowances basis," shall be substituted.

Amendment of section 4A.

**5.** In the High Court Judges Act, for section 9, the following section shall be substituted, namely:—

Substitution of new section for section 9.

Leave allowances.	"9. The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of section 3."
Omission of section 10.	<b>6.</b> In the High Court Judges Act, section 10 shall be omitted.
Amendment of section 14.	<b>7.</b> In the High Court Judges Act, in section 14, in the first proviso,— (i) for clause (b), the following clause shall be substituted, namely:— "(b) he has attained the age of sixty-two years; or"; (ii) for the <i>Explanation</i> , the following shall be substituted, namely:— ' <i>Explanation.</i> —In this section "Judge" means a Judge who has not held any other pensionable post under the Union or a State and includes a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule.'
Insertion of new section 14A.	<b>8.</b> In the High Court Judges Act, after section 14, the following section shall be inserted, namely:— "14A. Subject to the provisions of this Act, a period of ten years shall be added and shall be deemed to have been added from the 1st day of April, 2004 for the purposes of pension, to the service of a Judge who is appointed as such Judge under sub-clause (b) of clause (2) of article 217 of the Constitution."
Benefit of added years of service.	
Amendment of section 15.	<b>9.</b> In the High Court Judges Act, in section 15,— (a) in sub-section (1),— (i) clause (a) shall be omitted; (ii) in clause (b), the words "is not a member of the Indian Civil Service but" shall be omitted; (iii) in the proviso for the words and figures, "as the case may be, Part II or" shall be omitted; (b) in sub-section (2), the words and figures "Part II or, as the case may be," shall be omitted.
Amendment of section 16.	<b>10.</b> In the High Court Judges Act, in section 16, in the proviso, the words and figures "Part II or" shall be omitted.
Amendment of section 17A.	<b>11.</b> In the High Court Judges Act, in section 17A,— (a) in sub-section (1), in the <i>Explanation</i> , in clause (ii), the words and figures "Part II or " shall be omitted; (b) in sub-section (2), the words and figures "Part II or " shall be omitted.
Omission of section 18.	<b>12.</b> In the High Court Judges Act, section 18 shall be omitted.
Amendment of section 20.	<b>13.</b> In the High Court Judges Act, in section 20,— (a) in the first proviso, the words "is a member of the Indian Civil Service or" shall be omitted; (b) the second proviso, shall be omitted.
Omission of section 23B.	<b>14.</b> In the High Court Judges Act, section 23B shall be omitted.
Amendment of section 24.	<b>15.</b> In the High Court Judges Act, in section 24, in sub-section (2), after clause (a), the following clause shall be inserted, namely:— "(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of section 3;"
Omission of section 25.	<b>16.</b> In the High Court Judges Act, section 25 shall be omitted.

**17. In the High Court Judges Act, in the First Schedule,—**Amendment  
to First  
Schedule.**(a) in Part I,—**

(i) for paragraph 1, the following paragraph shall be substituted, namely:—

"1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State or a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under this Part.";

(ii) in paragraph 2, for the words "and who has completed not less than seven years of service" shall be omitted;

(iii) paragraphs 8 and 9 shall be omitted.

**(b) Part II shall be omitted.****CHAPTER III****AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958**

41 of 1958.

**18. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958** (hereinafter referred to as the Supreme Court Judges Act), in section 2, in clause (g), for the words "either in the Federal Court or in the Supreme Court or in any such Court", the words "in the Supreme Court" shall be substituted.

Amendment  
of section 2.

**19. In the Supreme Court Judges Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:—**

Amendment  
of section 3.

"(3) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed."

**20. In the Supreme Court Judges Act, in section 4A, for the words "in respect of the period of earned leave at his credit", the words "in respect of the period of leave at his credit, calculated on full allowances basis," shall be substituted.**

Amendment of  
section 4A.

**21. In the Supreme Court Judges Act, for section 9, the following section shall be substituted, namely:—**

Substitution of  
new section for  
section 9.

"9. The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of section 3."

Leave allowances.

**22. In the Supreme Court Judges Act, in section 13, for the *Explanation*, the following *Explanation* shall be substituted, namely:—**

Amendment of  
section 14.

'*Explanation.*—In this section, "Judge" means a Judge who has not held any other pensionable post under the Union or a State and includes a person who was in service as a Judge on the 20th May, 1954, and also includes a Judge having held any other pensionable post under the Union or a State, who has elected to receive the pension payable under Part I of the Schedule.'

**23. In the Supreme Court Judges Act, in section 14,—**

Amendment of  
section 14.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every Judge who has held any other pensionable post under the Union or a State shall, on his retirement, be paid a pension in accordance with the provisions of Part III of the Schedule:

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the Schedule, or as the case may be, Part III of the Schedule, and the pension payable to him shall be calculated accordingly."

(b) in sub-section (2), the words and figures "Part II or, as the case may be," shall be omitted.

Amendment of section 16A.

**24.** In the Supreme Court Judges Act, in section 16A, in sub-section (1), the *Explanation*, in clause (ii), the words and figures "Part II or" shall be omitted.

Omission of section 18.

**25.** In the Supreme Court Judges Act, section 18 shall be omitted.

Amendment of section 20.

**26.** In the Supreme Court Judges Act, in section 20, in the first proviso, the words "is a member of the Indian Civil Service or" shall be omitted.

Amendment of section 24.

**27.** In the Supreme Court Judges Act, in section 24, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

Amendment of Schedule.

"(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of section 3."

Amendment of Schedule.

**28.** In the Supreme Court Judges Act, in the Schedule,—

(a) in Part I, for paragraph 1, the following paragraph shall be substituted, namely:—

"1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State and also apply to a person who was in service as a Judge on the 20th May, 1954, and to a Judge who, having held any other pensionable posts under the Union or a State, has elected to receive the pension payable under this Part.";

(b) Part II shall be omitted.

## THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

No. 16 OF 2016

[25th March, 2016.]

An Act to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

Short title, extent and commencement.

- 1.** (1) This Act may be called the Real Estate (Regulation and Development) Act, 2016.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "adjudicating officer" means the adjudicating officer appointed under sub-section (1) of section 71;

(b) "advertisement" means any document described or issued as advertisement through any medium and includes any notice, circular or other documents or publicity in any form, informing persons about a real estate project, or offering for sale of a plot, building or apartment or inviting persons to purchase in any manner such plot, building or apartment or to make advances or deposits for such purposes;

(c) "agreement for sale" means an agreement entered into between the promoter and the allottee;

(d) "allottee" in relation to a real estate project, means the person to whom a plot, apartment or building, as the case may be, has been allotted, sold (whether as freehold or leasehold) or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;

(e) "apartment" whether called block, chamber, dwelling unit, flat, office, showroom, shop, godown, premises, suit, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified;

(f) "Appellate Tribunal" means the Real Estate Appellate Tribunal established under section 43;

(g) "appropriate Government" means in respect of matters relating to,—

(i) the Union territory without Legislature, the Central Government;

(ii) the Union territory of Puducherry, the Union territory Government;

(iii) the Union territory of Delhi, the Central Ministry of Urban Development;

(iv) the State, the State Government;

(h) "architect" means a person registered as an architect under the provisions of the Architects Act, 1972;

(i) "Authority" means the Real Estate Regulatory Authority established under sub-section (1) of section 20;

(j) "building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, commercial or for the purpose of any business, occupation, profession or trade, or for any other related purposes;

(k) "carpet area" means the net usable floor area of an apartment, excluding the area covered by the external walls, areas under services shafts, exclusive balcony or verandah area and exclusive open terrace area, but includes the area covered by the internal partition walls of the apartment.

*Explanation.*— For the purpose of this clause, the expression "exclusive balcony or verandah area" means the area of the balcony or verandah, as the case may be,

which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee; and "exclusive open terrace area" means the area of open terrace which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee;

(l) "Chairperson" means the Chairperson of the Real Estate Regulatory Authority appointed under section 21;

(m) "commencement certificate" means the commencement certificate or the building permit or the construction permit, by whatever name called issued by the competent authority to allow or permit the promoter to begin development works on an immovable property, as per the sanctioned plan;

(n) "common areas" mean—

(i) the entire land for the real estate project or where the project is developed in phases and registration under this Act is sought for a phase, the entire land for that phase;

(ii) the stair cases, lifts, staircase and lift lobbies, fire escapes, and common entrances and exits of buildings;

(iii) the common basements, terraces, parks, play areas, open parking areas and common storage spaces;

(iv) the premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staffs or for the lodging of community service personnel;

(v) installations of central services such as electricity, gas, water and sanitation, air-conditioning and incinerating, system for water conservation and renewable energy;

(vi) the water tanks, sumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use;

(vii) all community and commercial facilities as provided in the real estate project;

(viii) all other portion of the project necessary or convenient for its maintenance, safety, etc., and in common use;

(o) "company" means a company incorporated and registered under the Companies Act, 2013 and includes,—

(i) a corporation established by or under any Central Act or State Act;

(ii) a development authority or any public authority established by the Government in this behalf under any law for the time being in force;

(p) "competent authority" means the local authority or any authority created or established under any law for the time being in force by the appropriate Government which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;

(q) "completion certificate" means the completion certificate, or such other certificate, by whatever name called, issued by the competent authority certifying that the real estate project has been developed according to the sanctioned plan, layout plan and specifications, as approved by the competent authority under the local laws;

(r) "day" means the working day, in the concerned State or Union territory, as the case may be, notified by the appropriate Government from time to time;

(s) "development" with its grammatical variations and cognate expressions, means carrying out the development of immovable property, engineering or other operations in, on, over or under the land or the making of any material change in any immovable property or land and includes re-development;

(t) "development works" means the external development works and internal development works on immovable property;

(u) "engineer" means a person who possesses a bachelor's degree or equivalent from an institution recognised by the All India Council of Technical Education or any University or any institution recognised under a law or is registered as an engineer under any law for the time being in force;

(v) "estimated cost of real estate project" means the total cost involved in developing the real estate project and includes the land cost, taxes, cess, development and other charges;

(w) "external development works" includes roads and road systems landscaping, water supply, sewage and drainage systems, electricity supply transformer, sub-station, solid waste management and disposal or any other work which may have to be executed in the periphery of, or outside, a project for its benefit, as may be provided under the local laws;

(x) "family" includes husband, wife, minor son and unmarried daughter wholly dependent on a person;

(y) "garage" means a place within a project having a roof and walls on three sides for parking any vehicle, but does not include an unenclosed or uncovered parking space such as open parking areas;

(z) "immovable property" includes land, buildings, rights of ways, lights or any other benefit arising out of land and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, standing crops or grass;

(za) "interest" means the rates of interest payable by the promoter or the allottee, as the case may be.

*Explanation.*—For the purpose of this clause—

(i) the rate of interest chargeable from the allottee by the promoter, in case of default, shall be equal to the rate of interest which the promoter shall be liable to pay the allottee, in case of default;

(ii) the interest payable by the promoter to the allottee shall be from the date the promoter received the amount or any part thereof till the date the amount or part thereof and interest thereon is refunded, and the interest payable by the allottee to the promoter shall be from the date the allottee defaults in payment to the promoter till the date it is paid;

(zb) "internal development works" means roads, footpaths, water supply, sewers, drains, parks, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and sullage water, solid waste management and disposal, water conservation, energy management, fire protection and fire safety requirements, social infrastructure such as educational health and other public amenities or any other work in a project for its benefit, as per sanctioned plans;

(zc) "local authority" means the Municipal Corporation or Municipality or Panchayats or any other Local Body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(zd) "Member" means the member of the Real Estate Regulatory Authority appointed under section 21 and includes the Chairperson;

(ze) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(zf) "occupancy certificate" means the occupancy certificate, or such other certificate by whatever name called, issued by the competent authority permitting occupation of any building, as provided under local laws, which has provision for civic infrastructure such as water, sanitation and electricity;

(zg) "Person" includes,—

(i) an individual;

(ii) a Hindu undivided family;

(iii) a company;

(iv) a firm under the Indian Partnership Act, 1932 or the Limited Liability Partnership Act, 2008, as the case may be; 9 of 1932.  
6 of 2009.

(v) a competent authority;

(vi) an association of persons or a body of individuals whether incorporated or not;

(vii) a co-operative society registered under any law relating to co-operative societies;

(viii) any such other entity as the appropriate Government may, by notification, specify in this behalf;

(zh) "planning area" means a planning area or a development area or a local planning area or a regional development plan area, by whatever name called, or any other area specified as such by the appropriate Government or any competent authority and includes any area designated by the appropriate Government or the competent authority to be a planning area for future planned development, under the law relating to Town and Country Planning for the time being in force and as revised from time to time;

(zi) "prescribed" means prescribed by rules made under this Act;

(zj) "project" means the real estate project as defined in clause (zn);

(zk) "promoter" means,—

(i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees; or

(ii) a person who develops land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; or

(iii) any development authority or any other public body in respect of allottees of—

(a) buildings or apartments, as the case may be, constructed by such authority or body on lands owned by them or placed at their disposal by the Government; or



(b) plots owned by such authority or body or placed at their disposal by the Government,

for the purpose of selling all or some of the apartments or plots; or

(iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its Members or in respect of the allottees of such apartments or buildings; or

(v) any other person who acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or plot is developed for sale; or

(vi) such other person who constructs any building or apartment for sale to the general public.

*Explanation.*—For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a plot for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters and shall be jointly liable as such for the functions and responsibilities specified, under this Act or the rules and regulations made thereunder;

(zl) "prospectus" means any document described or issued as a prospectus or any notice, circular, or other document offering for sale or any real estate project or inviting any person to make advances or deposits for such purposes;

(zm) "real estate agent" means any person, who negotiates or acts on behalf of one person in a transaction of transfer of his plot, apartment or building, as the case may be, in a real estate project, by way of sale, with another person or transfer of plot, apartment or building, as the case may be, of any other person to him and receives remuneration or fees or any other charges for his services whether as commission or otherwise and includes a person who introduces, through any medium, prospective buyers and sellers to each other for negotiation for sale or purchase of plot, apartment or building, as the case may be, and includes property dealers, brokers, middlemen by whatever name called;

(zn) "real estate project" means the development of a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of land into plots or apartment, as the case may be, for the purpose of selling all or some of the said apartments or plots or building, as the case may be, and includes the common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenances belonging thereto;

(zo) "regulations" means the regulations made by the Authority under this Act;

(zp) "rule" means the rules made under this Act by the appropriate Government;

(zq) "sanctioned plan" means the site plan, building plan, service plan, parking and circulation plan, landscape plan, layout plan, zoning plan and such other plan and includes structural designs, if applicable, permissions such as environment permission and such other permissions, which are approved by the competent authority prior to start of a real estate project;

(zr) words and expressions used herein but not defined in this Act and defined in any law for the time being in force or in the municipal laws or such other relevant laws of the appropriate Government shall have the same meanings respectively assigned to them in those laws.

## CHAPTER II

## REGISTRATION OF REAL ESTATE PROJECT AND REGISTRATION OF REAL ESTATE AGENTS

Prior registration of real estate project with Real Estate Regulatory Authority.

3. (1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required—

(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;

(b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;

(c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.

*Explanation.*—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.

Application for registration of real estate projects.

4. (1) Every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be specified by the regulations made by the Authority.

(2) The promoter shall enclose the following documents along with the application referred to in sub-section (1), namely:—

(a) a brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent authority), and the particulars of registration, and the names and photographs of the promoter;

(b) a brief detail of the projects launched by him, in the past five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending;

(c) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;

(d) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;

(e) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;

(f) the location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;

(g) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;

(h) the number, type and the carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas apartment with the apartment, if any;

(i) the number and areas of garage for sale in the project;

(j) the names and addresses of his real estate agents, if any, for the proposed project;

(k) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;

(l) a declaration, supported by an affidavit, which shall be signed by the promoter or any person authorised by the promoter, stating:—

(A) that he has a legal title to the land on which the development is proposed along with legally valid documents with authentication of such title, if such land is owned by another person;

(B) that the land is free from all encumbrances, or as the case may be details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;

(C) the time period within which he undertakes to complete the project or phase thereof, as the case may be;

(D) that seventy per cent. of the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose;

Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of the project, in proportion to the percentage of completion of the project:

Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project:

Provided also that the promoter shall get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such

chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.

*Explanation.*— For the purpose of this clause, the term "schedule bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934;

2 of 1934.

(E) that he shall take all the pending approvals on time, from the competent authorities;

(F) that he has furnished such other documents as may be prescribed by the rules or regulations made under this Act; and

(m) such other information and documents as may be prescribed.

(3) The Authority shall operationalise a web based online system for submitting applications for registration of projects within a period of one year from the date of its establishment.

Grant of registration.

5. (1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of thirty days.

(a) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or

(b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder;

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within a period of seven days of the expiry of the said period of thirty days specified under sub-section (1), provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.

(3) The registration granted under this section shall be valid for a period declared by the promoter under sub-clause (C) of clause (1) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be.

Extension of registration.

6. The registration granted under section 5 may be extended by the Authority on an application made by the promoter due to *force majeure*, in such form and on payment of such fee as may be specified by regulations made by the Authority:

Provided that the Authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:

Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

*Explanation.*— For the purpose of this section, the expression "*force majeure*" shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project.

7. (1) The Authority may, on receipt of a complaint or *suo motu* in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that—

Revocation of registration.

(a) the promoter makes default in doing anything required by or under this Act or the rules or the regulations made thereunder;

(b) the promoter violates any of the terms or conditions of the approval given by the competent authority;

(c) the promoter is involved in any kind of unfair practice or irregularities.

*Explanation.*—For the purposes of this clause, the term "unfair practice means" a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:—

(A) the practice of making any statement, whether in writing or by visible representation which,—

(i) falsely represents that the services are of a particular standard or grade;

(ii) represents that the promoter has approval or affiliation which such promoter does not have;

(iii) makes a false or misleading representation concerning the services;

(B) the promoter permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered;

(d) the promoter indulges in any fraudulent practices.

(2) The registration granted to the promoter under section 5 shall not be revoked unless the Authority has given to the promoter not less than thirty days notice, in writing, stating the grounds on which it is proposed to revoke the registration, and has considered any cause shown by the promoter within the period of that notice against the proposed revocation.

(3) The Authority may, instead of revoking the registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter.

(4) The Authority, upon the revocation of the registration,—

(a) shall debar the promoter from accessing its website in relation to that project and specify his name in the list of defaulters and display his photograph on its website and also inform the other Real Estate Regulatory Authority in other States and Union territories about such revocation or registration;

(b) shall facilitate the remaining development works to be carried out in accordance with the provisions of section 8;

(c) shall direct the bank holding the project bank account, specified under sub-clause (D) of clause (I) of sub-section (2) of section 4, to freeze the account, and thereafter take such further necessary actions, including consequent de-freezing of the said account, towards facilitating the remaining development works in accordance with the provisions of section 8;

(d) may, to protect the interest of allottees or in the public interest, issue such directions as it may deem necessary.

Obligation of Authority consequent upon lapse of or on revocation of registration.

8. Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the appropriate Government to take such action as it may deem fit including the carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Authority:

Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act:

Provided further that in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works.

Registration of real estate agents.

9. (1) No real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3, being sold by the promoter in any planning area, without obtaining registration under this section.

(2) Every real estate agent shall make an application to the Authority for registration in such form, manner, within such time and accompanied by such fee and documents as may be prescribed.

(3) The Authority shall, within such period, in such manner and upon satisfying itself of the fulfillment of such conditions, as may be prescribed—

(a) grant a single registration to the real estate agent for the entire State of Union territory, as the case may be;

(b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of the Act or the rules or regulations made thereunder:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(4) Whereon the completion of the period specified under sub-section (3), if the applicant does not receive any communication about the deficiencies in his application or the rejection of his application, he shall be deemed to have been registered.

(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act.

(6) Every registration shall be valid for such period as may be prescribed, and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.

(7) Where any real estate agent who has been granted registration under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made thereunder, or where the Authority is satisfied that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may, without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit:

Provided that no such revocation or suspension shall be made by the Authority unless an opportunity of being heard has been given to the real estate agent.

Functions of real estate agents.

10. Every real estate agent registered under section 9 shall—

(a) not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority;



(b) maintain and preserve such books of account, records and documents as may prescribed;

(c) not involve himself in any unfair trade practices, namely:—

(i) the practice of making any statement, whether orally or in writing or by visible representation which—

(A) falsely represents that the services are of a particular standard or grade;

(B) represents that the promoter or himself has approval or affiliation which such promoter or himself does not have;

(C) makes a false or misleading representation concerning the services;

(ii) permitting the publication of any advertisement whether in any newspaper or otherwise of services that are not intended to be offered.

(d) facilitate the possession of all the information and documents, as the allottee, is entitled to, at the time of booking of any plot, apartment or building, as the case may be;

(e) discharge such other functions as may be prescribed.

### CHAPTER III

#### FUNCTIONS AND DUTIES OF PROMOTER

11. (1) The promoter shall, upon receiving his Login Id and password under clause (a) of sub-section (1) or under sub-section (2) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (2) of section 4, in all the fields as provided, for public viewing, including—

Functions and duties of promoter.

(a) details of the registration granted by the Authority;

(b) quarterly up-to-date the list of number and types of apartments or plots, as the case may be, booked;

(c) quarterly up-to-date the list of number of garages booked;

(d) quarterly up-to-date the list of approvals taken and the approvals which are pending subsequent to commencement certificate;

(e) quarterly up-to-date status of the project; and

(f) such other information and documents as may be specified by the regulations made by the Authority.

(2) The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto.

(3) The promoter at the time of the booking and issue of allotment letter shall be responsible to make available to the allottee, the following information, namely:—

(a) sanctioned plans, layout plans, along with specifications, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the Authority;

(b) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity.

(4) The promoter shall—

(a) be responsible for all obligations, responsibilities and functions under the provisions of this Act or the rules and regulations made thereunder or to the allottees as per the agreement for sale, or to the association of allottees, as the case may be, till the conveyance of all the apartments, plots or buildings, as the case may be, to the allottees, or the common areas to the association of allottees or the competent authority, as the case may be;

Provided that the responsibility of the promoter, with respect to the structural defect or any other defect for such period as is referred to in sub-section (3) of section 14, shall continue even after the conveyance deed of all the apartments, plots or buildings, as the case may be, to the allottees are executed.

(b) be responsible to obtain the completion certificate or the occupancy certificate, or both, as applicable, from the relevant competent authority as per local laws or other laws for the time being in force and to make it available to the allottees individually or to the association of allottees, as the case may be;

(c) be responsible to obtain the lease certificate, where the real estate project is developed on a leasehold land, specifying the period of lease, and certifying that all dues and charges in regard to the leasehold land has been paid, and to make the lease certificate available to the association of allottees;

(d) be responsible for providing and maintaining the essential services, on reasonable charges, till the taking over of the maintenance of the project by the association of the allottees;

(e) enable the formation of an association or society or co-operative society, as the case may be, of the allottees, or a federation of the same, under the laws applicable:

Provided that in the absence of local laws, the association of allottees, by whatever name called, shall be formed within a period of three months of the majority of allottees having booked their plot or apartment or building, as the case may be, in the project;

(f) execute a registered conveyance deed of the apartment, plot or building, as the case may be, in favour of the allottee along with the undivided proportionate title in the common areas to the association of allottees or competent authority, as the case may be, as provided under section 17 of this Act;

(g) pay all outgoings until he transfers the physical possession of the real estate project to the allottee or the associations of allottees, as the case may be, which he has collected from the allottees, for the payment of outgoings (including land cost, ground rent, municipal or other local taxes, charges for water or electricity, maintenance charges, including mortgage loan and interest on mortgages or other encumbrances and such other liabilities payable to competent authorities, banks and financial institutions, which are related to the project):

Provided that where any promoter fails to pay all or any of the outgoings collected by him from the allottees or any liability, mortgage loan and interest thereon before transferring the real estate project to such allottees, or the association of the allottees, as the case may be, the promoter shall continue to be liable, even after the transfer of the property, to pay such outgoings and penal charges, if any, to the authority or person to whom they are payable and be liable for the cost of any legal proceedings which may be taken therefor by such authority or person;

(h) after he executes an agreement for sale for any apartment, plot or building, as the case may be, not mortgage or create a charge on such apartment, plot or building, as the case may be, and if any such mortgage or charge is made or created then



notwithstanding anything contained in any other law for the time being in force, it shall not affect the right and interest of the allottee who has taken or agreed to take such apartment, plot or building, as the case may be;

(5) The promoter may cancel the allotment only in terms of the agreement for sale:

Provided that the allottee may approach the Authority for relief, if he is aggrieved by such cancellation and such cancellation is not in accordance with the terms of the agreement for sale, unilateral and without any sufficient cause.

(6) The promoter shall prepare and maintain all such other details as may be specified, from time to time, by regulations made by the Authority.

**12.** Where any person makes an advance or a deposit on the basis of the information contained in the notice advertisement or prospectus, or on the basis of any model apartment, plot or building, as the case may be, and sustains any loss or damage by reason of any incorrect, false statement included therein, he shall be compensated by the promoter in the manner as provided under this Act:

Obligations of promoter regarding veracity of the advertisement or prospectus.

Provided that if the person affected by such incorrect, false statement contained in the notice, advertisement or prospectus, or the model apartment, plot or building, as the case may be, intends to withdraw from the proposed project, he shall be returned his entire investment along with interest at such rate as may be prescribed and the compensation in the manner provided under this Act.

**13. (1)** A promoter shall not accept a sum more than ten per cent of the cost of the apartment, plot, or building as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force.

No deposit or advance to be taken by promoter without first entering into agreement for sale.

(2) The agreement for sale referred to in sub-section (1) shall be in such form as may be prescribed and shall specify the particulars of development of the project including the construction of building and apartments, along with specifications and internal development works and external development works, the dates and the manner by which payments towards the cost of the apartment, plot or building, as the case may be, are to be made by the allottees and the date on which the possession of the apartment, plot or building is to be handed over, the rates of interest payable by the promoter to the allottee and the allottee to the promoter in case of default, and such other particulars, as may be prescribed.

**14. (1)** The proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans, layout plans and specifications as approved by the competent authorities.

Adherence to sanctioned plans and project specifications by the promoter.

(2) Notwithstanding anything contained in any law, contract or agreement, after the sanctioned plans, layout plans and specifications and the nature of the fixtures, fittings, amenities and common areas, of the apartment, plot or building, as the case may be, as approved by the competent authority, are disclosed or furnished to the person who agree to take one or more of the said apartment, plot or building, as the case may be, the promoter shall not make—

(i) any additions and alterations in the sanctioned plans, layout plans and specifications and the nature of fixtures, fittings and amenities described therein in respect of the apartment, plot or building, as the case may be, which are agreed to be taken, without the previous consent of that person:

Provided that the promoter may make such minor additions or alterations as may be required by the allottee, or such minor changes or alterations as may be necessary due to architectural and structural reasons duly recommended and verified by an authorised Architect or Engineer after proper declaration and intimation to the allottee.

*Explanation.*—For the purpose of this clause, "minor additions or alterations" excludes structural change including an addition to the area or change in height, or the removal of part of a building, or any change to the structure, such as the construction or removal or cutting into of any wall or a part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support, or a change to or closing of any required means of access ingress or egress or a change to the fixtures or equipment, etc.

(ii) any other alterations or additions in the sanctioned plans, layout plans and specifications of the buildings or the common areas within the project without the previous written consent of at least two-thirds of the allottees, other than the promoter, who have agreed to take apartments in such building.

*Explanation.*—For the purpose of this clause, the allottees, irrespective of the number of apartments or plots, as the case may be, booked by him or booked in the name of his family, or in the case of other persons such as companies or firms or any association of individuals, etc., by whatever name called, booked in its name or booked in the name of its associated entities or related enterprises, shall be considered as one allottee only.

(3) In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.

Obligations of promoter in case of transfer of a real estate project to a third party.

15. (1) The promoter shall not transfer or assign his majority rights and liabilities in respect of a real estate project to a third party without obtaining prior written consent from two-third allottees, except the promoter, and without the prior written approval of the Authority:

Provided that such transfer or assignment shall not affect the allotment or sale of the apartments, plots or buildings as the case may be, in the real estate project made by the erstwhile promoter.

*Explanation.*—For the purpose of this sub-section, the allottee, irrespective of the number of apartments or plots, as the case may be, booked by him or booked in the name of his family, or in the case of other persons such as companies or firms or any association of individuals, by whatever name called, booked in its name or booked in the name of its associated entities or related enterprises, shall be considered as one allottee only.

(2) On the transfer or assignment being permitted by the allottees and the Authority under sub-section (1), the intending promoter shall be required to independently comply with all the pending obligations under the provisions of this Act or the rules and regulations made thereunder, and the pending obligations as per the agreement for sale entered into by the erstwhile promoter with the allottees:

Provided that any transfer or assignment permitted under provisions of this section shall not result in extension of time to the intending promoter to complete the real estate project and he shall be required to comply with all the pending obligations of the erstwhile promoter, and in case of default, such intending promoter shall be liable to the consequences of breach or delay, as the case may be, as provided under this Act or the rules and regulations made thereunder.

Obligations of promoter regarding insurance of real estate project.

16. (1) The promoter shall obtain all such insurances as may be notified by the appropriate Government, including but not limited to insurance in respect of —

- (i) title of the land and building as a part of the real estate project; and
- (ii) construction of the real estate project.

(2) The promoter shall be liable to pay the premium and charges in respect of the insurance specified in sub-section (1) and shall pay the same before transferring the insurance to the association of the allottees.

(3) The insurance as specified under sub-section (1) shall stand transferred to the benefit of the allottee or the association of allottees, as the case may be, at the time of promoter entering into an agreement for sale with the allottee.

(4) On formation of the association of the allottees, all documents relating to the insurance specified under sub-section (1) shall be handed over to the association of the allottees.

**17. (1)** The promoter shall execute a registered conveyance deed in favour of the allottee along with the undivided proportionate title in the common areas to the association of the allottees or the competent authority, as the case may be, and hand over the physical possession of the plot, apartment or building, as the case may be, to the allottees and the common areas to the association of the allottees or the competent authority, as the case may be, in a real estate project, and the other title documents pertaining thereto within specified period as per sanctioned plans as provided under the local laws:

Transfer of title.

Provided that, in the absence of any local law, conveyance deed in favour of the allottee or the association of the allottees or the competent authority, as the case may be, under this section shall be carried out by the promoter within three months from date of issue of occupancy certificate.

(2) After obtaining the occupancy certificate and handing over physical possession to the allottees in terms of sub-section (1), it shall be the responsibility of the promoter to hand-over the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, as per the local laws:

Provided that, in the absence of any local law, the promoter shall handover the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, within thirty days after obtaining the occupancy certificate.

**18. (1)** If the promoter fails to complete or is unable to give possession of an apartment, plot or building,—

Return of amount and compensation.

(a) in accordance with the terms of the agreement for sale or, as the case may be, duly completed by the date specified therein; or

(b) due to discontinuance of his business as a developer on account of suspension or revocation of the registration under this Act or for any other reason,

he shall be liable on demand to the allottees, in case the allottee wishes to withdraw from the project, without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building, as the case may be, with interest at such rate as may be prescribed in this behalf including compensation in the manner as provided under this Act:

Provided that where an allottee does not intend to withdraw from the project, he shall be paid, by the promoter, interest for every month of delay, till the handing over of the possession, at such rate as may be prescribed.

(2) The promoter shall compensate the allottees in case of any loss caused to him due to defective title of the land, on which the project is being developed or has been developed, in the manner as provided under this Act, and the claim for compensation under this sub-section shall not be barred by limitation provided under any law for the time being in force.

(3) If the promoter fails to discharge any other obligations imposed on him under this Act or the rules or regulations made thereunder or in accordance with the terms and conditions of the agreement for sale, he shall be liable to pay such compensation to the allottees, in the manner as provided under this Act.

#### CHAPTER IV

##### RIGHTS AND DUTIES OF ALLOTTEES

Rights and duties  
of allottees.

19. (1) The allottee shall be entitled to obtain the information relating to sanctioned plans, layout plans along with the specifications, approved by the competent authority and such other information as provided in this Act or the rules and regulations made thereunder or the agreement for sale signed with the promoter.

(2) The allottee shall be entitled to know stage-wise time schedule of completion of the project, including the provisions for water, sanitation, electricity and other amenities and services as agreed to between the promoter and the allottee in accordance with the terms and conditions of the agreement for sale.

(3) The allottee shall be entitled to claim the possession of apartment, plot or building, as the case may be, and the association of allottees shall be entitled to claim the possession of the common areas, as per the declaration given by the promoter under sub-clause (C) of clause (I) of sub-section (2) of section 4.

(4) The allottee shall be entitled to claim the refund of amount paid along with interest at such rate as may be prescribed and compensation in the manner as provided under this Act, from the promoter, if the promoter fails to comply or is unable to give possession of the apartment, plot or building, as the case may be, in accordance with the terms of agreement for sale or due to discontinuance of his business as a developer on account of suspension or revocation of his registration under the provisions of this Act or the rules or regulations made thereunder.

(5) The allottee shall be entitled to have the necessary documents and plans, including that of common areas, after handing over the physical possession of the apartment or plot or building as the case may be, by the promoter.

(6) Every allottee, who has entered into an agreement for sale to take an apartment, plot or building as the case may be, under section 13, shall be responsible to make necessary payments in the manner and within the time as specified in the said agreement for sale and shall pay at the proper time and place, the share of the registration charges, municipal taxes, water and electricity charges, maintenance charges, ground rent, and other charges, if any.

(7) The allottee shall be liable to pay interest, at such rate as may be prescribed, for any delay in payment towards any amount or charges to be paid under sub-section (6).

(8) The obligations of the allottee under sub-section (6) and the liability towards interest under sub-section (7) may be reduced when mutually agreed to between the promoter and such allottee.

(9) Every allottee of the apartment, plot or building as the case may be, shall participate towards the formation of an association or society or cooperative society of the allottees, or a federation of the same.

(10) Every allottee shall take physical possession of the apartment, plot or building as the case may be, within a period of two months of the occupancy certificate issued for the said apartment, plot or building, as the case may be.

(11) Every allottee shall participate towards registration of the conveyance deed of the apartment, plot or building, as the case may be, as provided under sub-section (1) of section 17 of this Act.

## CHAPTER V

## THE REAL ESTATE REGULATORY AUTHORITY

20. (1) The appropriate Government shall, within a period of one year from the date of coming into force of this Act, by notification, establish an Authority to be known as the Real Estate Regulatory Authority to exercise the powers conferred on it and to perform the functions assigned to it under this Act:

Establishment and incorporation of Real Estate Regulatory Authority.

Provided that the appropriate Government of two or more States or Union territories may, if it deems fit, establish one single Authority:

Provided further that, the appropriate Government may, if it deems fit, establish more than one Authority in a State or Union territory, as the case may be:

Provided also that until the establishment of a Regulatory Authority under this section, the appropriate Government shall, by order, designate any Regulatory Authority or any officer preferably the Secretary of the department dealing with Housing, as the Regulatory Authority for the purposes under this Act:

Provided also that after the establishment of the Regulatory Authority, all applications, complaints or cases pending with the Regulatory Authority designated, shall stand transferred to the Regulatory Authority so established and shall be heard from the stage such applications, complaints or cases are transferred.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with the power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

21. The Authority shall consist of a Chairperson and not less than two whole time Members to be appointed by the appropriate Government.

Composition of Authority.

22. The Chairperson and other Members of the Authority shall be appointed by the appropriate Government on the recommendations of a Selection Committee consisting of the Chief Justice of the High Court or his nominee, the Secretary of the Department dealing with Housing and the Law Secretary, in such manner as may be prescribed, from amongst persons having adequate knowledge of and professional experience of at-least twenty years in case of the Chairperson and fifteen years in the case of the Members in urban development, housing, real estate development, infrastructure, economics, technical experts from relevant fields, planning, law, commerce, accountancy, industry, management, social service, public affairs or administration:

Qualifications of Chairpersons and Members of Authority.

Provided that a person who is, or has been, in the service of the State Government shall not be appointed as a Chairperson unless such person has held the post of Additional Secretary to the Central Government or any equivalent post in the Central Government or State Government:

Provided further that a person who is, or has been, in the service of the State Government shall not be appointed as a member unless such person has held the post of Secretary to the State Government or any equivalent post in the State Government or Central Government.

23. (1) The Chairperson and Members shall hold office for a term not exceeding five years from the date on which they enter upon their office, or until they attain the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.

Term of office of Chairperson and Members.

(2) Before appointing any person as a Chairperson or Member, the appropriate Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such Member.

24. (1) The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members shall be such as may be prescribed and shall not be varied to their disadvantage during their tenure.

Salary and allowances payable to Chairperson and Members.



(2) Notwithstanding anything contained in sub-sections (1) and (2) of section 23, the Chairperson or a Member, as the case may be, may,—

(a) relinquish his office by giving in writing, to the appropriate Government, notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 26 of this Act.

(3) Any vacancy caused to the office of the Chairperson or any other Member shall be filled-up within a period of three months from the date on which such vacancy occurs.

Administrative powers of Chairperson.

**25.** The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such administrative powers and functions of the Authority as may be prescribed.

Removal of Chairperson and Members from office in certain circumstances.

**26. (1)** The appropriate Government may, in accordance with the procedure notified, remove from office the Chairperson or other Members, if the Chairperson or such other Member, as the case may be,—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence, involving moral turpitude; or

(c) has become physically or mentally incapable of acting as a Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or Member shall not be removed from his office on the ground specified under clause (d) or clause (e) of sub-section (1) except by an order made by the appropriate Government after an inquiry made by a Judge of the High Court in which such Chairperson or Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Restrictions on Chairperson or Members on employment after cessation of office.

**27. (1)** The Chairperson or a Member, ceasing to hold office as such, shall not—

(a) accept any employment in, or connected with, the management or administration of, any person or organisation which has been associated with any work under this Act, from the date on which he ceases to hold office;

Provided that nothing contained in this clause shall apply to any employment under the appropriate Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company, as defined under clause (45) of section 2 of the Companies Act, 2013, which is not a promoter as per the provisions of this Act;

(b) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or such Member had, before cessation of office, acted for or provided advice to, the Authority;

(c) give advice to any person using information which was obtained in his capacity as the Chairperson or a Member and being unavailable to or not being able to be made available to the public;

(d) enter into a contract of service with, or accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such.

(2) The Chairperson and Members shall not communicate or reveal to any person any matter which has been brought under his consideration or known to him while acting as such.

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Officers and other employees of Authority.

**28. (1)** The appropriate Government may, in consultation with the Authority appoint such officers and employees as it considers necessary for the efficient discharge of their functions under this Act who would discharge their functions under the general superintendence of the Chairperson.

(2) The salary and allowances payable to, and the other terms and conditions of service of, the officers and of the employees of the Authority appointed under sub-section (1) shall be such as may be prescribed.

**29.** (1) The Authority shall meet at such places and times, and shall follow such rules of procedure in regard to the transaction of business at its meetings, (including quorum at such meetings), as may be specified by the regulations made by the Authority.

Meetings of Authority.

(2) If the Chairperson for any reason, is unable to attend a meeting of the Authority, any other Member chosen by the Members present amongst themselves at the meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.

(4) The questions which come up before the Authority shall be dealt with as expeditiously as possible and the Authority shall dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the Authority shall record its reasons in writing for not disposing of the application within that period.

**30.** No act or proceeding of the Authority shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Authority; or
- (b) any defect in the appointment of a person acting as a Member of the Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Vacancies, etc., not to invalidate proceeding of Authority.

**31.** (1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be.

Filing of complaints with the Authority or the adjudicating officer.

*Explanation.*—For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

(2) The form, manner and fees for filing complaint under sub-section (1) shall be such as may be specified by regulations.

**32.** The Authority shall in order to facilitate the growth and promotion of a healthy, transparent, efficient and competitive real estate sector make recommendations to the appropriate Government of the competent authority, as the case may be, on,—

Functions of Authority for promotion of real estate sector.

- (a) protection of interest of the allottees, promoter and real estate agent;
- (b) creation of a single window system for ensuring time bound project approvals and clearances for timely completion of the project;
- (c) creation of a transparent and robust grievance redressal mechanism against acts of omission and commission of competent authorities and their officials;
- (d) measures to encourage investment in the real estate sector including measures to increase financial assistance to affordable housing segment;
- (e) measures to encourage construction of environmentally sustainable and affordable housing, promoting standardisation and use of appropriate construction materials, fixtures, fittings and construction techniques;
- (f) measures to encourage grading of projects on various parameters of development including grading of promoters;

(g) measures to facilitate amicable conciliation of disputes between the promoters and the allottees through dispute settlement forums set up by the consumer or promoter associations;

(h) measures to facilitate digitization of land records and system towards conclusive property titles with title guarantee;

(i) to render advice to the appropriate Government in matters relating to the development of real estate sector;

(j) any other issue that the Authority may think necessary for the promotion of the real estate sector.

Advocacy and awareness measures.

**33. (1)** The appropriate Government may, while formulating a policy on real estate sector (including review of laws related to real estate sector) or any other matter, make a reference to the Authority for its opinion on possible effect, of such policy or law on real estate sector and on the receipt of such a reference, the Authority shall within a period of sixty days of making such reference, give its opinion to the appropriate Government which may thereafter take further action as it deems fit.

(2) The opinion given by the Authority under sub-section (1) shall not be binding upon the appropriate Government in formulating such policy or laws.

(3) The Authority shall take suitable measures for the promotion of advocacy, creating awareness and imparting training about laws relating to real estate sector and policies.

Functions of Authority.

**34.** The functions of the Authority shall include—

(a) to register and regulate real estate projects and real estate agents registered under this Act;

(b) to publish and maintain a website of records, for public viewing, of all real estate projects for which registration has been given, with such details as may be prescribed, including information provided in the application for which registration has been granted;

(c) to maintain a database, on its website, for public viewing, and enter the names and photographs of promoters as defaulters including the project details, registration for which has been revoked or have been penalised under this Act, with reasons therefor, for access to the general public;

(d) to maintain a database, on its website, for public viewing, and enter the names and photographs of real estate agents who have applied and registered under this Act, with such details as may be prescribed, including those whose registration has been rejected or revoked;

(e) to fix through regulations for each areas under its jurisdiction the standard fees to be levied on the allottees or the promoter or the real estate agent, as the case may be;

(f) to ensure compliance of the obligations cast upon the promoters, the allottees and the real estate agents under this Act and the rules and regulations made thereunder;

(g) to ensure compliance of its regulations or orders or directions made in exercise of its powers under this Act;

(h) to perform such other functions as may be entrusted to the Authority by the appropriate Government as may be necessary to carry out the provisions of this Act.

Powers of Authority to call for Information, conduct investigations.

**35. (1)** Where the Authority considers it expedient to do so, on a complaint or *suo motu*, relating to this Act or the rules of regulations made thereunder, it may, by order in writing and recording reasons therefor call upon any promoter or allottee or real estate agent, as the case may be, at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require and appoint one or more persons to make an inquiry in relation to the affairs of any promoter or allottee or the real estate agent, as the case may be.



5 of 1908.

(2) Notwithstanding anything contained in any other law for the time being in force, while exercising the powers under sub-section (1), the Authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—

- (i) the discovery and production of books of account and other documents, at such place and at such time as may be specified by the Authority;
- (ii) summoning and enforcing the attendance of persons and examining them on oath;
- (iii) issuing commissions for the examination of witnesses or documents;
- (iv) any other matter which may be prescribed.

36. Where during an inquiry, the Authority is satisfied that an act in contravention of this Act, or the rules and regulations made thereunder, has been committed and continues to be committed or that such act is about to be committed, the Authority may, by order, restrain any promoter, allottee or real estate agent from carrying on such act until the conclusion of such inquiry or until further orders, without giving notice to such party, where the Authority deems it necessary.

Power to issue interim orders.

37. The Authority may, for the purpose of discharging its functions under the provisions of this Act or rules or regulations made thereunder, issue such directions from time to time, to the promoters or allottees or real estate agents, as the case may be, as it may consider necessary and such directions shall be binding on all concerned.

Powers of Authority to issue directions.

38. (1) The Authority shall have powers to impose penalty or interest, in regard to any contravention of obligations cast upon the promoters, the allottees and the real estate agents, under this Act or the rules and the regulations made thereunder.

Powers of Authority.

(2) The Authority shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Authority shall have powers to regulate its own procedure.

(3) Where an issue is raised relating to agreement, action, omission, practice or procedure that—

- (a) has an appreciable prevention, restriction or distortion of competition in connection with the development of a real estate project; or
- (b) has effect of market power of monopoly situation being abused for affecting interest of allottees adversely,

then the Authority, may *suo motu*, make reference in respect of such issue to the Competition Commission of India.

39. The Authority may, at any time within a period of two years from the date of the order made under this Act, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:

Rectification of orders.

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act:

Provided further that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act.

40. (1) If a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Authority, as the case may be, under this Act or the rules and regulations made thereunder, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue.

Recovery of interest or penalty or compensation and enforcement of order, etc.

(2) If any adjudicating officer or the Regulatory Authority or the Appellate Tribunal, as the case may be, issues any order or directs any person to do any act, or refrain from doing any act, which it is empowered to do under this Act or the rules or regulations made thereunder, then in case of failure by any person to comply with such order or direction, the same shall be enforced, in such manner as may be prescribed.

## CHAPTER VI

## CENTRAL ADVISORY COUNCIL

Establishment of  
Central Advisory  
Council.

**41.** (1) The Central Government may, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Central Advisory Council.

(2) The Minister to the Government of India in charge of the Ministry of the Central Government dealing with Housing shall be the *ex officio* Chairperson of the Central Advisory Council.

(3) The Central Advisory Council shall consist of representatives of the Ministry of Finance, Ministry of Industry and Commerce, Ministry of Urban Development, Ministry of Consumer Affairs, Ministry of Corporate Affairs, Ministry of Law and Justice, Niti Aayog, National Housing Bank, Housing and Urban Development Corporation, five representatives of State Governments to be selected by rotation, five representatives of the Real Estate Regulatory Authorities to be selected by rotation, and any other Central Government department as notified.

(4) The Central Advisory Council shall also consist of not more than ten members to represent the interests of real estate industry, consumers, real estate agents, construction labourers, non-governmental organisations and academic and research bodies in the real estate sector.

Functions of  
Central Advisory  
Council.

**42.** (1) The functions of the Central Advisory Council shall be to advise and recommend the Central Government,—

- (a) on all matters concerning the implementation of this Act;
- (b) on major questions of policy;
- (c) towards protection of consumer interest;
- (d) to foster the growth and development of the real estate sector;
- (e) on any other matter as may be assigned to it by the Central Government.

(2) The Central Government may specify the rules to give effect to the recommendations of the Central Advisory Council on matters as provided under sub-section (1).

## CHAPTER VII

## THE REAL ESTATE APPELLATE TRIBUNAL

Establishment of  
Real Estate  
Appellate Tribunal.

**43.** (1) The appropriate Government shall, within a period of one year from the date of coming into force of this Act, by notification, establish an Appellate Tribunal to be known as the — (name of the State/Union territory) Real Estate Appellate Tribunal.

(2) The appropriate Government may, if it deems necessary, establish one or more benches of the Appellate Tribunal, for various jurisdictions, in the State or Union territory, as the case may be.

(3) Every bench of the Appellate Tribunal shall consist of at least one Judicial Member and one Administrative or Technical Member.

(4) The appropriate Government of two or more States or Union territories may, if it deems fit, establish one single Appellate Tribunal:

Provided that, until the establishment of an Appellate Tribunal under this section, the appropriate Government shall designate, by order, any Appellate Tribunal functioning under any law for the time being in force, to be the Appellate Tribunal to hear appeals under the Act:

Provided further that after the Appellate Tribunal under this section is established, all matters pending with the Appellate Tribunal designated to hear appeals, shall stand transferred

to the Appellate Tribunal so established and shall be heard from the stage such appeal is transferred.

(5) Any person aggrieved by any direction or decision or order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Appellate Tribunal having jurisdiction over the matter:

Provided that where a promoter files an appeal with the Appellate Tribunal, it shall not be entertained, without the promoter first having deposited with the Appellate Tribunal at least thirty per cent. of the penalty, or such higher percentage as may be determined by the Appellate Tribunal, or the total amount to be paid to the allottee including interest and compensation imposed on him, if any, or with both, as the case may be, before the said appeal is heard.

*Explanation.*—For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

44. (1) The appropriate Government or the competent authority or any person aggrieved by any direction or order or decision of the Authority or the adjudicating officer may prefer an appeal to the Appellate Tribunal.

Application for settlement of disputes and appeals to Appellate Tribunal.

(2) Every appeal made under sub-section (1) shall be preferred within a period of sixty days from the date on which a copy of the direction or order or decision made by the Authority or the adjudicating officer is received by the appropriate Government or the competent authority or the aggrieved person and it shall be in such form and accompanied by such fee, as may be prescribed:

Provided that the Appellate Tribunal may entertain any appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may after giving the parties an opportunity of being heard, pass such orders, including interim orders, as it thinks fit.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties and to the Authority or the adjudicating officer, as the case may be.

(5) The appeal preferred under sub-section (1), shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal within a period of sixty days from the date of receipt of appeal:

Provided that where any such appeal could not be disposed of within the said period of sixty days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within that period.

(6) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any order or decision of the Authority or the adjudicating officer, on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.

45. The Appellate Tribunal shall consist of a Chairperson and not less than two whole time Members of which one shall be a Judicial member and other shall be a Technical or Administrative Member, to be appointed by the appropriate Government.

Composition of Appellate Tribunal.

*Explanation.*—For the purposes of this Chapter,—

(i) "Judicial Member" means a Member of the Appellate Tribunal appointed as such under clause (b) of sub-section (1) of section 46;

(ii) "Technical or Administrative Member" means a Member of the Appellate Tribunal appointed as such under clause (c) of sub-section (1) of section 46.

Qualifications for appointment of Chairperson and Members.

**46. (1)** A person shall not be qualified for appointment as the Chairperson or a Member of the Appellate Tribunal unless he,—

(a) in the case of Chairperson, is or has been a Judge of a High Court; and

(b) in the case of a Judicial Member he has held a judicial office in the territory of India for at least fifteen years or has been a member of the Indian Legal Service and has held the post of Additional Secretary of that service or any equivalent post, or has been an advocate for at least twenty years with experience in dealing with real estate matters; and

(c) in the case of a Technical or Administrative Member, he is a person who is well-versed in the field of urban development, housing, real estate development, infrastructure, economics, planning, law, commerce, accountancy, industry, management, public affairs or administration and possesses experience of at least twenty years in the field or who has held the post in the Central Government, or a State Government equivalent to the post of Additional Secretary to the Government of India or an equivalent post in the Central Government or an equivalent post in the State Government.

(2) The Chairperson of the Appellate Tribunal shall be appointed by the appropriate Government in consultation with the Chief Justice of High Court or his nominee.

(3) The judicial Members and Technical or Administrative Members of the Appellate Tribunal shall be appointed by the appropriate Government on the recommendations of a Selection Committee consisting of the Chief Justice of the High Court or his nominee, the Secretary of the Department handling Housing and the Law Secretary and in such manner as may be prescribed.

Term of office of Chairperson and Members.

**47. (1)** The Chairperson of the Appellate Tribunal or a Member of the Appellate Tribunal shall hold office, as such for a term not exceeding five years from the date on which he enters upon his office, but shall not be eligible for re-appointment:

Provided that in case a person, who is or has been a Judge of a High Court, has been appointed as Chairperson of the Tribunal, he shall not hold office after he has attained the age of sixty-seven years:

Provided further that no Judicial Member or Technical or Administrative Member shall hold office after he has attained the age of sixty-five years.

(2) Before appointing any person as Chairperson or Member, the appropriate Government shall satisfy itself that the person does not have any such financial or other interest, as is likely to affect prejudicially his functions as such member.

Salary and allowances payable to Chairperson and Members.

**48. (1)** The salary and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members shall be such as may be prescribed and shall not be varied to their disadvantage during their tenure.

(2) Notwithstanding anything contained in sub-sections (1) and (2) of section 47, the Chairperson or a Member, as the case may be, may:—

(a) relinquish his office by giving in writing to the appropriate Government a notice of not less than three months;

(b) be removed from his office in accordance with the provisions of section 49.

(3) A vacancy caused to the office of the Chairperson or any other Member, as the case may be, shall be filled-up within a period of three months from the date on which such vacancy occurs.

49. (1) The appropriate Government may, in consultation with the Chief Justice of the High Court, remove from office of the Chairperson or any judicial Member or Technical or Administrative Member of the Appellate Tribunal, who—

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the appropriate Government involves moral turpitude; or
- (c) has become physically or mentally incapable; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

Removal of Chairperson and Member from office in certain circumstances.

(2) The Chairperson or Judicial member or Technical or Administrative Member shall not be removed from his office except by an order made by the appropriate Government after an inquiry made by the Judge of the High Court in which such Chairperson or Judicial member or Technical or Administrative Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The appropriate Government may suspend from the office of the Chairperson or Judicial member or Technical or Administrative Member in respect of whom a reference of conducting an inquiry has been made to the Judge of the High Court under sub-section (2), until the appropriate Government passes an order on receipt of the report of inquiry made by the Judge of the High Court on such reference.

(4) The appropriate Government may, by rules, regulate the procedure for inquiry referred to in sub-section (2).

50. (1) The Chairperson or Judicial Member or Technical or Administrative Member, ceasing to hold office as such shall not:—

- (a) Accept any employment in, or connected with, the management or administration of, any person or organisation which has been associated with any work under this Act, from the date on which he ceases to hold office:

Provided that nothing contained in this clause shall apply to any employment under the appropriate Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company as defined under clause (45) of section 2 of the Companies Act, 2013, which is not a promoter as per the provisions of this Act;

- (b) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or Judicial Member or Technical or Administrative Member had, before cessation of office, acted for or provided advice to, the Authority;

- (c) give advice to any person using information which was obtained in his capacity as the Chairperson or Judicial Member or Technical or Administrative Member and being unavailable to or not being able to be made available to the public;

- (d) enter into a contract of service with, or accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such.

(2) The Chairperson or Judicial Member or Technical or Administrative Member shall not communicate or reveal to any person any matter which has been brought under his consideration or known to him while acting as such.

Restrictions on Chairperson or Judicial Member or Technical or Administrative Member on employment after cessation of office.

Officers and other employees of Appellate Tribunal.	<p><b>51.</b> (1) The appropriate Government shall provide the Appellate Tribunal with such officers and employees as it may deem fit.</p>	
	<p>(2) The officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence of its Chairperson.</p>	
	<p>(3) The salary and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Appellate Tribunal shall be such as may be prescribed.</p>	
Vacancies.	<p><b>52.</b> If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or a Member of the Appellate Tribunal, the appropriate Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.</p>	
Powers of Tribunal.	<p><b>53.</b> (1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.</p>	5 of 1908.
	<p>(2) Subject to the provisions of this Act, the Appellate Tribunal shall have power to regulate its own procedure.</p>	
	<p>(3) The Appellate Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.</p>	1 of 1872.
	<p>(4) The Appellate Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—</p>	5 of 1908.
	<p>(a) summoning and enforcing the attendance of any person and examining him on oath;</p>	
	<p>(b) requiring the discovery and production of documents;</p>	
	<p>(c) receiving evidence on affidavits;</p>	
	<p>(d) issuing commissions for the examinations of witnesses or documents;</p>	
	<p>(e) reviewing its decisions;</p>	
	<p>(f) dismissing an application for default or directing it <i>ex parte</i>; and</p>	
	<p>(g) any other matter which may be prescribed.</p>	
	<p>(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code, and the Appellate Tribunal shall be deemed to be civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.</p>	45 of 1860. 2 of 1974.
Administrative powers of Chairperson of Appellate Tribunal.	<p><b>54.</b> The Chairperson shall have powers of general superintendence and direction in the conduct of the affairs of Appellate Tribunal and he shall, in addition to presiding over the meetings of the Appellate Tribunal exercise and discharge such administrative powers and functions of the Appellate Tribunal as may be prescribed.</p>	
Vacancies, etc., not to invalidate proceeding of Appellate Tribunal.	<p><b>55.</b> No act or proceeding of the Appellate Tribunal shall be invalid merely by reason of—</p>	
	<p>(a) any vacancy in, or any defect in the constitution of, the Appellate Tribunal, or</p>	
	<p>(b) any defect in the appointment of a person acting as a Member of the Appellate Tribunal; or</p>	
	<p>(c) Any irregularity in the procedure of the Appellate Tribunal not affecting the merits of the case.</p>	



**56.** The applicant or appellant may either appear in person or authorise one or more chartered accountants or company secretaries or cost accountants or legal practitioners or any of its officers to present his or its case before the Appellate Tribunal or the Regulatory Authority or the adjudicating officer, as the case may be.

Right to legal representation.

*Explanation.*—For the purposes of this section,—

38 of 1949. (a) "chartered accountant" means a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 or any other law for the time being in force and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;

56 of 1980. (b) "company secretary" means a company secretary as defined in clause (c) of sub-section (1) of section 2 of the Company Secretaries Act, 1980 or any other law for the time being in force and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;

23 of 1959. (c) "cost accountant" means a cost accountant as defined in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountants Act, 1959 or any other law for the time being in force and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act;

(d) "legal practitioner" means an advocate, vakil or an attorney of any High Court, and includes a pleader in practice.

**57.** (1) Every order made by the Appellate Tribunal under this Act shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court.

Orders passed by Appellate Tribunal to be executable as a decree.

(2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by the court.

5 of 1908. **58.** (1) Any person aggrieved by any decision or order of the Appellate Tribunal, may, file an appeal to the High Court, within a period of sixty days from the date of communication of the decision or order of the Appellate Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908:

Appeal to High Court.

Provided that the High Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

*Explanation.*—The expression "High Court" means the High Court of a State or Union territory where the real estate project is situated.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.

## CHAPTER VIII

### OFFENCES, PENALTIES AND ADJUDICATION

or **59.** (1) If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent. of the estimated cost of the real estate project as determined by the Authority.

Punishment for non-registration under section 3.

(2) If any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provisions of section 3, he shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to a further ten per cent. of the estimated cost of the real estate project, or with both.

Penalty for contravention of section 4.	<b>60.</b> If any promoter provides false information or contravenes the provisions of section 4, he shall be liable to a penalty which may extend up to five per cent. of the estimated cost of the real estate project, as determined by the Authority.
Penalty for contravention of other provisions of this Act.	<b>61.</b> If any promoter contravenes any other provisions of this Act, other than that provided under section 3 or section 4, or the rules or regulations made thereunder, he shall be liable to a penalty which may extend up to five per cent. of the estimated cost of the real estate project as determined by the Authority.
Penalty for non-registration and contravention under section 9 and 10.	<b>62.</b> If any real estate agent fails to comply with or contravenes the provisions of section 9 or section 10, he shall be liable to a penalty of ten thousand rupees for every day during which such default continues, which may cumulatively extend up to five per cent. of the cost of plot, apartment or buildings, as the case may be, of the real estate project, for which the sale or purchase has been facilitated as determined by the Authority.
Penalty for failure to comply with orders of Authority by promoter.	<b>63.</b> If any promoter, who fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five per cent., of the estimated cost of the real estate project as determined by the Authority.
Penalty for failure to comply with orders of Appellate Tribunal by promoter.	<b>64.</b> If any promoter, who fails to comply with, or contravenes any of the orders, decisions or directions of the Appellate Tribunal, he shall be punishable with imprisonment for a term which may extend up to three years or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the estimated cost of the real estate project, or with both.
Penalty for failure to comply with orders of Authority by real estate agent.	<b>65.</b> If any real estate agent, who fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five per cent., of the estimated cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated and as determined by the Authority.
Penalty for failure to comply with orders of Appellate Tribunal by real estate agent.	<b>66.</b> If any real estate agent, who fails to comply with, or contravenes any of the orders, decisions or directions of the Appellate Tribunal, he shall be punishable with imprisonment for a term which may extend up to one year or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the estimated cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated, or with both.
Penalty for failure to comply with orders of Authority by allottee.	<b>67.</b> If any allottee, who fails to comply with, or contravenes any of the orders, decisions or directions of the Authority he shall be liable to a penalty for the period during which such default continues, which may cumulatively extend up to five per cent. of the plot, apartment or building cost, as the case may be, as determined by the Authority.
Penalty for failure to comply with orders of Appellate Tribunal by allottee.	<b>68.</b> If any allottee, who fails to comply with, or contravenes any of the orders or directions of the Appellate Tribunal, as the case may be, he shall be punishable with imprisonment for a term which may extend up to one year or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the plot, apartment or building cost, as the case may be, or with both.



**69.** (1) Where an Offence under this Act has been committed by a company, every person who, at the time, the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section, shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this section,—

(a) "company" means any body corporate and includes a firm, or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

2 of 1974.

**70.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, if any person is punished with imprisonment under this Act, the punishment may, either before or after the institution of the prosecution, be compounded by the court on such terms and conditions and on payment of such sums as may be prescribed:

Compounding of offences.

Provided that the sum prescribed shall not, in any case, exceed the maximum amount of the fine which may be imposed for the offence so compounded.

**71.** (1) For the purpose of adjudging compensation under sections 12, 14, 18 and section 19, the Authority shall appoint in consultation with the appropriate Government one or more judicial officer as deemed necessary, who is or has been a District Judge to be an adjudicating officer for holding an inquiry in the prescribed manner, after giving any person concerned a reasonable opportunity of being heard:

Power to adjudicate.

68 of 1986.

Provided that any person whose complaint in respect of matters covered under sections 12, 14, 18 and section 19 is pending before the Consumer Disputes Redressal Forum or the Consumer Disputes Redressal Commission or the National Consumer Redressal Commission, established under section 9 of the Consumer Protection Act, 1986, on or before the commencement of this Act, he may, with the permission of such Forum or Commission, as the case may be, withdraw the complaint pending before it and file an application before the adjudicating officer under this Act.

(2) The application for adjudging compensation under sub-section (1), shall be dealt with by the adjudicating officer as expeditiously as possible and dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the adjudicating officer shall record his reasons in writing for not disposing of the application within that period.

(3) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to comply with the provisions of any of the sections specified in sub-section (1), he may direct to pay such compensation or interest, as the case may be, as he thinks fit in accordance with the provisions of any of those sections.

Factors to be taken into account by the adjudicating officer.

**72.** While adjudging the quantum of compensation or interest, as the case may be, under section 71, the adjudicating officer shall have due regard to the following factors, namely:—

- (a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;
- (b) the amount of loss caused as a result of the default;
- (c) the repetitive nature of the default;
- (d) such other factors which the adjudicating officer considers necessary to the case in furtherance of justice.

## CHAPTER IX

### FINANCE, ACCOUNTS, AUDITS AND REPORTS

Grants and loans by Central Government.

**73.** The Central Government may, after due appropriation made by Parliament in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

Grants and loans by State Government.

**74.** The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the Authority, grants and loans of such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

Constitution of Fund.

**75.** (1) The appropriate Government shall constitute a fund to be called the 'Real Estate Regulatory Fund' and there shall be credited thereto,—

- (a) all Government grants received by the Authority;
- (b) the fees received under this Act;
- (c) the interest accrued on the amounts referred to in clauses (a) to (b).

(2) The Fund shall be applied for meeting—

(a) the salaries and allowances payable to the Chairperson and other Members, the adjudicating officer and the administrative expenses including the salaries and allowances payable to be officers and other employees of the Authority and the Appellate Tribunal;

(b) the other expenses of the Authority in connection with the discharge of its functions and for the purposes of this Act.

(3) The Fund shall be administered by a committee of such Members of the Authority as may be determined by the Chairperson.

(4) The committee appointed under sub-section (3) shall spend monies out of the Fund for carrying out the objects for which the Fund has been constituted.

Crediting sums realised by way of penalties to Consolidated Fund of India or State account.

**76.** (1) All sums realised, by way of penalties, imposed by the Appellate Tribunal or the Authority, in the Union territories, shall be credited to the Consolidated Fund of India.

(2) All sums realised, by way of penalties, imposed by the Appellate Tribunal or the Authority, in a State, shall be credited to such account as the State Government may specify.

77. (1) The Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the appropriate Government in consultation with the Comptroller and Auditor-General of India.

Budget, accounts and audit.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand and production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the appropriate Government by the Authority and the appropriate Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament or, as the case may be, before the State Legislature or the Union territory Legislature, where it consists of two Houses, or where such legislature consists of one House, before the House.

78. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the appropriate Government,—

Annual report.

(a) a description of all the activities of the Authority for the previous year;

(b) the annual accounts for the previous year; and

(c) the programmes of work for the coming year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament or, as the case may be, before the State Legislature or the Union Territory Legislature, where it consists of two Houses, or where such legislature consists of one House, before that House.

#### CHAPTER X MISCELLANEOUS

79. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the adjudicating officer or the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction.

80. (1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder save on a complaint in writing made by the Authority or by any officer of the Authority duly authorised by it for this purpose.

Cognizance of offences.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

81. The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to make regulations under section 85, as it may deem necessary.

Delegation.

Power of appropriate Government to supersede Authority.

82. (1) If, at any time, the appropriate Government is of the opinion,—

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the appropriate Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the appropriate Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President or the Governor, as the case may be, may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the appropriate Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the appropriate Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the appropriate Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The appropriate Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament or, as the case may be, before the State Legislature, or the Union Territory Legislature, as the case may be, where it consists of two Houses, or where such legislature consists of one House, before that House.

Powers of appropriate Government to issue directions to Authority and obtain reports and returns.

83. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, as the appropriate Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) If any dispute arises between the appropriate Government and the Authority as to whether a question is or is not a question of policy, the decision of the appropriate Government thereon shall be final.

(3) The Authority shall furnish to the appropriate Government such returns or other information with respect to its activities as the appropriate Government may, from time to time, require.

84. (1) The appropriate Government shall, within a period of six months of the commencement of this Act, by notification, make rules for carrying out the provisions of this Act.

Power of appropriate Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) information and documents for application to Authority for registration under clause (m) of sub-section (2) of section 4;

(b) the form and manner of making application and fee and documents to be accompanied with such application as under sub-section (2) of section 9;

(c) the period, manner and conditions under which the registration is to be granted under sub-section (3) of section 9;

(d) the validity of the period of registration and the manner and fee for renewal under sub-section (6) of section 9;

(e) the maintenance and preservation of books of account, records and documents under clause (b) of section 10;

(f) the discharge of other functions by the real estate agent under clause (e) of section 10;

(g) the rate of interest payable under section 12;

(h) the form and particulars of agreement for sale under sub-section (2) of section 13;

(i) the rate of interest payable under clause (b) of sub-section (1) of section 18;

(j) the rate of interest payable under sub-section (4) of section 19;

(k) the rate of interest payable under sub-section (7) of section 19;

(l) the manner of selection of Chairperson and Members of Authority under section 22;

(m) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members of the Authority under sub-section (1) of section 24;

(n) the administrative powers of the Chairpersons under section 25;

(o) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Authority under sub-section (2) of section 28;

(p) the details to be published on the website as under clause (b) and under clause (d) of section 34;

(q) the additional functions which may be performed by the Authority under clause (iv) of sub-section (2) of section 35;

(r) the manner of recovery of interest, penalty and compensation under sub-section (1) of section 40;

(s) the manner of implementation of the order, direction or decisions of the adjudicating officer, the Authority or the Appellate Tribunal under sub-section (2) of section 40;

(*t*) recommendations received from the Central Advisory Council under sub-section (2) of section 42;

(*u*) the form and manner and fee for filling of appeal under sub-section (2) of section 44;

(*v*) the manner of selection of Members of the Tribunal under sub-section (3) of section 46;

(*w*) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members of the Appellate Tribunal under sub-section (1) of section 48;

(*x*) the procedure for inquiry of the charges against the Chairperson or Judicial Member of the Tribunal under sub-section (4) of section 49;

(*y*) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Appellate Tribunal under sub-section (3) of section 51;

(*z*) any other powers of the Tribunal under clause (*h*) of sub-section (4) of section 53;

(*za*) the powers of the Chairperson of the Appellate Tribunal under section 54;

(*zb*) the terms and conditions and the payment of such sum for compounding of the offences under section 70;

(*zc*) the manner of inquiry under sub-section (1) of section 71;

(*zd*) the form to be specified in which the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts under sub-section (1) of section 77;

(*ze*) the form in which and time at which the Authority shall prepare an annual report under sub-section (1) of section 78;

(*zf*) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

Powers of make regulations.

**85. (1)** The Authority shall, within a period of three months of its establishment, by notification, make regulations, consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the form and manner of making application and fee payable herewith under sub-section (1) of section 4;

(*b*) the form of application and the fees for extension of registration under section 6;

(*c*) such other information and documents required under clause (*f*) of sub-section (1) of section 11;

(*d*) display of sanctioned plans, layout plans along with specifications, approved by the competent authority, for display under clause (*a*) of sub-section (3) of section 11;

(*e*) preparation and maintenance of other details under sub-section (6) of section 11;

(*f*) time, places and the procedure in regard to transaction of business at the meetings of the Authority under sub-section (1) of section 29;



(g) the form, manner and fees for filing a complaint under sub-section (2) of section 31;

(h) standard fees to be levied on the promoter, the allottees or the real estate agent under clause (e) of section 34;

(i) any other matter which is required to be, or may be, specified by regulation or in respect of which provision is to be made by regulations.

**86. (1)** Every rule made by the Central Government, every regulation made by the Authority under the Union territory of Delhi and the Union territories without Legislature and every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule of regulation or in the notification, as the case may be, or both Houses agree that the rule or regulation or the notification should not be made, the rule or regulation or notification, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification, as the case may be.

Laying of rules.

(2) Every rule made by a State Government or the Union territory Government, as the case may be, every regulation made by the Authority under the State Government or the Union territory Government of Puducherry, as the case may be, and every notification issued by the State Government or the Union territory Government of Puducherry, as the case may be, under this Act, shall be laid as soon as may be, after it is made, before the State Legislature, or the Union territory Legislature, as the case may be, where it consists of two Houses, or where such legislature consists of one House, before that House.

**87.** The Chairperson, Members and other officers and employees of the Authority, and the Appellate Tribunal and the adjudicating officer shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, etc., to be public servants.

45 of 1860

**88.** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

**89.** The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Application of other laws not barred.

**90.** No suit, prosecution or other legal proceedings shall lie against the appropriate Government or the Authority or any officer of the appropriate Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Act to have overriding effect.

**91. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Protection of action taken in good faith.

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to remove difficulties.

Repeal.

**92.** The Maharashtra Housing (Regulation and Development) Act, 2012 is hereby repealed.

Maharashtra Act No. II of 2014.

## THE NATIONAL WATERWAYS ACT, 2016

No. 17 OF 2016

[25th March, 2016.]

An Act to make provisions for existing national waterways and to provide for the declaration of certain inland waterways to be national waterways and also to provide for the regulation and development of the said waterways for the purposes of shipping and navigation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the National Waterways Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) The existing national waterways specified at serial numbers 1 to 5 in the Schedule along with their limits given in column (3) thereof, which have been declared as such under the Acts referred to in sub-section (1) of section 5, shall, subject to the modifications made under this Act, continue to be national waterways for the purposes of shipping and navigation under this Act.

(2) The regulation and development of the waterways referred to in sub-section (1) which have been under the control of the Central Government shall continue, as if the said waterways are declared as national waterways under the provisions of this Act.

(3) The inland waterways specified at serial numbers 6 to 111 in the Schedule along with their limits given in column (3) thereof are hereby declared to be national waterways for the purposes of shipping and navigation.

3. Save as provided in sub-sections (1) and (2) of section 2, it is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of the waterways specified in the Schedule for the purposes of shipping and navigation to the extent provided in the Inland Waterways Authority of India Act, 1985.

82 of 1985.

4. In the Inland Waterways Authority of India Act, 1985, in section 2, for clause (h), the following clause shall be substituted, namely:—

“(h) “national waterway” means the inland waterway declared by section 2 of the National Waterways Act, 2016, to be a national waterway.

*Explanation.*— If Parliament declares by law any other waterway to be a national waterway, then, from the date on which such declaration takes effect, such other waterway—

(i) shall also be deemed to be a national waterway within the meaning of this clause; and

(ii) the provisions of this Act shall, with necessary modifications (including modification for construing any reference to the commencement of this Act as a reference to the date aforesaid), apply to such national waterway;”.

5. (1) The following Acts, namely:—

(a) the National Waterway (Allahabad-Haldia Stretch of the Ganga Bhagirathi-Hooghly River) Act, 1982;

49 of 1982.

(b) the National Waterway (Sadiya-Dhubri Stretch of Brahmaputra River) Act, 1988;

40 of 1988.

(c) the National Waterway (Kollam-Kottapuram Stretch of West Coast Canal and Champakara and Udyogmandal Canals) Act, 1992;

25 of 1992.

Short title and commencement.

Existing national waterways and declaration of certain inland waterways as national waterways.

Declaration as to expediency of control and development by Union of waterways specified in Schedule for certain purposes.

Amendment of section 2 of Act 82 of 1985.

Repeal of certain enactments and saving.



23 of 2008. (d) the National Waterway (Talcher-Dhamra Stretch of Rivers, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia-Dhamra Stretch of Matai River and Mahanadi Delta Rivers) Act, 2008; and

24 of 2008. (e) the National Waterway (Kakinada-Puducherry Stretch of Canals and the Kaluvelly Tank, Bhadrachalam-Rajahmundry Stretch of River Godavari and Wazirabad-Vijayawada Stretch of River Krishna) Act, 2008,

are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in sub-section (1), in so far as they are in conformity with the provisions of this Act, shall be deemed to have been done or omitted to be done or taken or not taken under the provisions of this Act.

#### THE SCHEDULE

(See section 2)

Sl.No.	National Waterways	Limits of the National Waterways
(1)	(2)	(3)
1.	National Waterway 1	<p>Allahabad-Haldia Stretch of the Ganga—Bhagirathi-Hooghly Rivers with the following limits, namely:—</p> <p>From road bridge at Allahabad across the river Ganga, about 2 kilometres upstream of the confluence of the rivers Ganga and Yamuna at Triveni to the inland waterway limit on the tidal waters of the river Hooghly from a line drawn between No.1 Refuge house at the entrance to Baratola river commonly called channel creek, to a position 2.5 kilometres due south of Saugor lighthouse, and then connected to the right or south bank at the entrance to the Hijili or Russulpore river, through river Ganga, lock canal and feeder canal at Parakka, river Bhagirathi and river Hooghly.</p>
2.	National Waterway 2	<p>Sadiya-Dhubri Stretch of Brahmaputra River with the following limits, namely:—</p> <p>From a line drawn across the Brahmaputra river from the point on the north bank of the Kundil river at its confluence with the Brahmaputra river near Sadiya to the beginning of the river island Majuli and therefrom through all the channels of the Brahmaputra river on either side of the river island Majuli up to the end of the river island Majuli and then up to the international border down stream of Dhubri.</p>
3.	National Waterway 3	<p>Kollam-Kozhikode Stretch of West Coast Canal and Champakara and Udyogmandal Canals with the following limits, namely:—</p> <p>The northern limit of the West Coast Canal shall be Kozhikode at Lat 11°13'39"N, Lon 75°46'44"E and the southern limit shall be a line drawn across the Ashtamudi Kayal at a distance of 100 metres south of Kollam jetty.</p> <p>The Champakara Canal starting from the confluence with the West Coast Canal and ending at the railway bridge (railway siding for Cochin Oil Refinery) near Fertilisers and Chemicals Travancore Limited, boat basin.</p> <p>The Udyogmandal Canal starting from the confluence with West Coast Canal and ending at the Padalarn road bridge (Eloor-Edayar).</p>

(1)	(2)	(3)
4.	National Waterway 4	<p data-bbox="742 324 1329 481">Kakinada-Puducherry Stretch of Canals and the Kaluvelly Tank, Nashik-Bhadrachalam-Rajahmundry Stretch of River Godavari and Bridge near village Galagali-Wazirabad-Vijayawada Stretch of River Krishna with the following limits, namely:—</p> <p data-bbox="742 492 1061 526"><i>Kakinada-Puducherry canal</i></p> <p data-bbox="742 537 1329 694">(Canal system consisting of Kakinada canal, Eluru canal, Commamur canal and North Buckingham canal, portion of the Coovum river linking North and South Buckingham canals, South Buckingham canal and Kaluvelly tank)</p> <p data-bbox="742 705 1329 828">Northern limit: A line drawn across the Kakinada canal parallel to the Jagannadhapuram road bridge, Kakinada at a distance of 500 metres down stream at Lat 16° 56' 24" N, Lon 82° 14' 20" E;</p> <p data-bbox="742 840 1329 996">Southern limit: Junction of East Coast Highway and Chinnakalawari-Kanakachettikulam road at Kanakachettikulam which is the end point of the artificial canal link to Kaluvelly tank at Lat 20° 0' 07" N, Lon 79° 52' 12" E.</p> <p data-bbox="742 1008 917 1041"><i>River Godavari</i></p> <p data-bbox="742 1052 1329 1142">Western limit: Road bridge on Mumbai-Agra Highway at Nashik across river Godavari at Lat 20° 0' 07" N, Lon 73° 48' 12" E;</p> <p data-bbox="742 1153 1329 1243">Eastern limit: Sir Arthur Cotton barrage across river Godavari at Dowlaiswaram, Rajahmundry at Lat 16° 56' 05" N, Lon 81° 45' 32" E.</p> <p data-bbox="742 1254 901 1288"><i>River Krishna</i></p> <p data-bbox="742 1299 1329 1366">Western limit: Bridge near village Galagali Lat 16° 25' 28" N, Lon 75° 26' 19" E.</p> <p data-bbox="742 1377 1329 1444">Eastern limit: Prakasam barrage across river Krishna at Vijayawada at Lat 16° 30' 18" N, Lon 80° 36' 23" E.</p>
5.	National Waterway 5	<p data-bbox="742 1444 1329 1601">Talcher-Dhamra Stretch of Brahmani-Kharsua-Tantighai-Pandua Nala-Dudhei Nala-Kani Dhamra-river system, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia-Dhamra Stretch of Matai River and Mahanadi Delta Rivers with the following limits, namely:—</p> <p data-bbox="742 1612 1329 1668"><i>East Coast Canal and Matai river</i> (Consisting of old Hijli tidal canal, Orissa coast canal and Matai river)</p> <p data-bbox="742 1680 1329 1769">Northern limit: Confluence point of Hooghly river and Hijli tidal canal at Geonkhali at Lat 22° 12' 20" N, Lon 88° 03' 07" E;</p> <p data-bbox="742 1780 1329 1870">Southern limit: Confluence of Matai river and Dhamra river near Dhamra Fishing harbour at Lat 20° 47' 42" N, Lon 86° 53' 03" E.</p> <p data-bbox="742 1881 1329 1971"><i>Brahmani-Kharsua-Dhamra river system</i> (Consisting of Brahmani-Kharsua-Tantighai-Pandua Nala-Dudhei Nala-Kani-Dhamra rivers)</p>

(1)	(2)	(3)
		<p>North-Western limit: Samal barrage across river Brahmani, Talcher at Lat 21° 04' 26" N, Lon 86° 08' 05" E;</p> <p>South-Eastern limit: An imaginary line drawn across Dhamra river at East Point of Kalibhanj Dian Reserved Forest near Chandnipal at Lat 20° 46' 26" N, Lon 86° 57' 15" E.</p> <p><i>Mahanadi delta rivers</i> (Consisting of Hansua river, Atharabanki Creek, Nuna nala, Gobri nala, Kharnasi river and Mahanadi river)</p> <p>(Alternate route-Hansua river enters into Bay of Bengal through northern point of False point bay, then enters river Kharnasi at southern end of False point bay, river Atharabanki, a northernly distributory of river Mahanadi)</p> <p>Northern limit: Confluence of Kharsua river with Brahmani river at Ramchandrapur at Lat 20° 36' 55"N, Lon 86° 45' 05" E;</p> <p>Southern limit: An imaginary line in continuation to the Northern break water structure across the entrance channel at Paradip Port at Lat 20° 15' 38"N, Long 86° 40' 55" E.</p>
6.	National Waterway 6	<p><i>Aai River:</i></p> <p>Upstream of Bridge at Adalguri No.3 at Lat 26°33'32"N, Lon 90°34'01"E to confluence with Brahmaputra river at Lat 26°12'50"N, Lon 90°36'24"E (4.7km upstream of Naranarayan Setu at Jogighopa).</p>
7.	National Waterway 7	<p><i>Ajoy (Ajay) River:</i></p> <p>Bridge on Morgram-Panagarh State Highway No. 14 at Illambazar Lat 23°36'56"N, Lon 87°31'58"E to confluence of river Ajoy with river Bhagirathi at Lat 23°39'23"N, Lon 88° 07'57"E at Katwa.</p>
8.	National Waterway 8	<p><i>Alappuzha-Changanassery Canal:</i></p> <p>Boat Jetty, Alappuzha at Lat 9°30'03"N, Lon 76°20'37"E to Changanassery Jetty at Lat 9°26'42"N, Lon 76°31'42"E.</p>
9.	National Waterway 9	<p><i>Alappuzha-Kottayam Athirampuzha Canal:</i></p> <p>Boat Jetty, Alappuzha at Lat 9°30'03"N, Lon 76°20'37"E to Athirampuzha market Lat 9°40'04"N, Lon 76°31'54"E.</p>
10.	National Waterway 10	<p><i>Amba River:</i></p> <p>Arabian Sea, Dharamtaar creed near village Revas at Lat 18°50'15"N, Lon 72°56'31"E to a Bridge near Nagothane ST Stand at Lat 18°32'20"N, Lon 73°08'0"E.</p>
11.	National Waterway 11	<p><i>Arunawati Aran River System:</i></p> <p>Bridge on State Highway No. 211 at Lat 20°13'33"N, Lon 77°33'23"E to confluence of Arunawati and Aran rivers near Ratanapur village at Lat 19°59'31"N, Lon 78°09'38"E to confluence of Aran and Penganga rivers near Chimata village at Lat 19°54'08"N, Lon 78°12'36"E.</p>

(1)	(2)	(3)
12.	National Waterway 12	<i>Asi River:</i> Ganga river confluence at Assi Ghat, Varanasi at Lat 25°17'19"N, Lon 83° 0'25"E to near Newada, Varanasi at Lat 25°16'37"N, Lon 82° 58'18"E.
13.	National Waterway 13	<i>AVM Canal:</i> Poovar Beach at Lat 8°18'30"N, Lon 77°04'45"E to Erayumanthurai Bus Stop at Lat 8°14'54"N, Lon 77°09'34"E.
14.	National Waterway 14	<i>Baitarni River:</i> Dattapur village at Lat 20°51'45"N, Lon 86° 33'30"E to confluence with Dhamra river near Laxmiprasad Dia at Lat 20°45'13"N, Lon 86° 49'15"E.
15.	National Waterway 15	<i>Bakreswar Mayurakshi River System:</i> Bakreswar river from Nil Nirjan Dam at Lat 23°49'31"N, Lon 87°24'59"E to confluence of Bakreswar and Mayurakshi rivers near Talgram village at Lat 23° 51'58"N, Lon 88°02'21"E.  Mayurakshi river from Talgram village to confluence with Dwarka river near Dakshin Hijal village at Lat 23° 58'22"N, Lon 88°09'21"E.
16.	National Waterway 16	<i>Barak River:</i> Lakhipur Ferry Ghat Lat 24°47'18"N, Lon 93°01'16"E to Tukur Gram Lat 24°52'34"N, Lon 92°29'21"E.
17.	National Waterway 17	<i>Beas River:</i> Talwara Barrage at Lat 31°57'22"N, Lon 75°53'37"E to confluence of Beas and Sutlej rivers near Harike at Lat 31°09'09"N, Lon 74°58'08"E.
18.	National Waterway 18	<i>Beki River:</i> Elenagamari Lat 26°38'37"N, Lon 90°59'02"E to Brahmaputra confluence at Lat 26°14'24"N, Lon 90°47' 21"E.
19.	National Waterway 19	<i>Betwa River:</i> Rirwa Buzurg Dariya at Lat 25°54'17"N, Lon 79°45'06"E to confluence of Betwa and Yamuna rivers near Merapur Daria village at Lat 25°55'11"N, Lon 80°13'08"E.
20.	National Waterway 20	<i>Bhavani River:</i> Bhavani Sagar Dam, Sathyamangalam at Lat 11°28'16"N, Lon 77°06'49"E to confluence of Bhavani and Kaveri rivers at Kaveri river bridge on Salem-Coimbatore Highway: "National Highway-47 Lat 11°25'54"N, Lon 77°41'02"E.
21.	National Waterway 21	<i>Bheema River:</i> Barrage (approx 1 km from Hippargi village) at Lat 17°09'05"N, Lon 76°46'34"E to confluence of Bheema and Krishna rivers at Gundloor Lat 16°24'28"N, Lon 77°17'13"E.
22.	National Waterway 22	<i>Birupa Badi Genguti Brahmani River System:</i>

(1)	(2)	(3)
		<p>Birupa Barrage at Choudwar at Lat 20°30'49"N, Lon 85°55'20"E to Confluence of Birupa and Brahmani rivers near Upperkai Pada village at Lat 20°37'36"N, Lon 86°24'19"E including alternative route from, Samaspur village Lat 20°35'41"N, Lon 86°06'32"E to near Kharagpur village Lat 20°38' 28"N, Lon 86°17'32"E.</p> <p>Bramani river from confluence of Birupa and Brhmani rivers near Upperkai Pada village at Lat 20°37'36"N, Lon 86°24'19"E to Bramani river at Katana Lat 20°39'26"N, Lon 86°44'53"E.</p>
23.	National Waterway 23	<p><i>Budha Balanga River:</i> Barrage (approx 300m from Patalipura village) at Lat 21°38'13"N, Lon 86°50'53"E to confluence of Budha Balanga river with Bay of Bengal at Chandipur Fishing Port Lat 21°28'12"N, Lon 87°04'12"E.</p>
24.	National Waterway 24	<p><i>Chambal River:</i> Chambal road bridge on National Highway-92 Lat 26°41'56"N, Lon 78°56'09"E to confluence of Chambal and Yamuna rivers at Charakpura village Lat 26°29'30"N, Lon 79°15'01"E.</p>
25.	National Waterway 25	<p><i>Chapora River:</i> Bride at State Highway No. 124 (1Km from Maneri village) Lat 15°42'47"N, Lon 73°57'23"E to Confluence of Chapora river with Arabian Sea at Morjim Lat 15°36'33"N, Lon 73°44'01"E.</p>
26.	National Waterway 26	<p><i>Chenab River:</i> Chenab road bridge at Lat 33°05'07"N, Lon 74°48'06"E to Bridge near Bhardakalan at Lat 32°48'12"N, Lon 74°34'53"E.</p>
27.	National Waterway 27	<p><i>Cumberjua River:</i> Confluence of Cumberjua and Zuvari rivers near Cortalim ferry terminal Lat 15°24'40"N, Lon 73°54'48"E to confluence of Cumberjua and Mandovi rivers near Sao Martias Vidhan Parishad Lat 15°31'26"N, Lon 73°55'34"E.</p>
28.	National Waterway 28	<p><i>Dabhol Creek Vashishti River:</i> Arabian Sea at Dabhol Lat 17°34'51"N, Lon 73°09'18"E to bridge at Pedhe Lat 17°32'39"N, Lon 73°30'36"E.</p>
29.	National Waterway 29	<p><i>Damodar River:</i> Krishak Setu, Bardhman on State Highway No. 8 at Lat 23°12'40"N, Lon 87°50'54"E to confluence with Hooghly river near Purbha Basudebpur at Lat 22°21'01"N, Lon 88°05'19"E.</p>
30.	National Waterway 30	<p><i>Dehing River:</i> Rail Bridge at Merbil Majuli No. 1 Lat 27°19'25"N, Lon 95°18'45"E to confluence of Dehing and Brahmaputra rivers near village Lachan at Lat 27°15'10"N, Lon 94°40'01"E.</p>
31.	National Waterway 31	<p><i>Dhansiri/Chathe River:</i> Bridge near Morongi T.E. village Lat 26°24'41"N, Lon 93°53'47"E to Numaligarh Lat 26°42'01"N, Lon 93°35'15"E.</p>

(1)	(2)	(3)
32.	National Waterway 32	<i>Dikhu River:</i> Bridge at Nazira on State Highway No 1 Lat 26°55'18"N, Lon 94°44'27"E to confluence of Dikhu and Brahmaputra rivers at Lat 26°59'58"N, Lon 94°27'42"E.
33.	National Waterway 33	<i>Doyans River:</i> Bridge near Sialmari Lat 26°10'47"N, Lon 93°59'10"E to confluence of Doyans and Subansiri rivers at Lat 26°26'53"N, Lon 93°57'12"E.
34.	National Waterway 34	<i>DVC Canal:</i> Durgapur Barrage Lat 23°28'47"N, Lon 87°18'19"E to Confluence point of DVC canal with Hoogly river near Tribeni Lat 23°0'31"N, Lon 88°24'55"E.
35.	National Waterway 35	<i>Dwarakeswar River:</i> Bridge near Abantika Lat 23°06'55"N, Lon 87°18'47"E to confluence of Dwarakeswar and Silai rivers at Pratappur Lat 22°40'17"N, Lon 87°46'43"E.
36.	National Waterway 36	<i>Dwarka River:</i> Bridge at Tarapith at Lat 24°06'58"N, Lon 87°47'51"E to confluence with Bhagirathi river near Maugram village at Lat 23°43'53"N, Lon 88°10'51"E.
37.	National Waterway 37	<i>Gandak River:</i> Bhaisaslotal Barrage near Triveni Ghat at Lat 27°26'22"N, Lon 83°54'24"E to Gandak and Ganga rivers confluence at Hajipur Lat 25°39'18"N, Lon 85°10'28"E.
38.	National Waterway 38	<i>Gangadhar River:</i> Pakriguri Bridge on National Highway-31C at Lat 26°27'30"N, Lon 89°51'25"E to Bangladesh Border at Binnachara Point III Lat 26°0'32"N, Lon 89°49'57"E.
39.	National Waterway 39	<i>Ganol River:</i> Bangladesh Border at Mankachar Lat 25°31'47"N, Lon 89°51'24"E to bridge near Dolbari at Lat 25°34'20"N, Lon 90°03'46"E.
40.	National Waterway 40	<i>Ghaghra River:</i> Faizabad at Lat 26°47'51"N, Lon 82°06'46"E to Ghaghra and Ganga river confluence at Manjhi Ghat Lat 25°44'13"N, Lon 84°42'03"E.
41.	National Waterway 41	<i>Ghataprabha River:</i> Barrage near Malali Lat 16°20'01"N, Lon 75°11'23"E to confluence with river Krishna at Chicksangam Lat 16°20'13"N, Lon 75°47'54"E.
42.	National Waterway 42	<i>Gomti River:</i> Bara Imambara, Lucknow Lat 26°52'21"N, Lon 80°54'58"E to confluence of Gomti with river Ganga Lat 25°30'31"N, Lon 83°10'17"E.
43.	National Waterway 43	<i>Gurupur River:</i> Confluence of Netravathi river at Lat 12°50'44"N, Lon 74°49'45"E to confluence of Mangalore Port Bridge at Lat 12°55'35"N, Lon 74°49'37"E.

(1)	(2)	(3)
44.	National Waterway 44	<i>Ichamati River:</i> Bridge on Border Main Road at Gobra near Bangladesh Border at Lat 22°53'50"N, Lon 88°53'49"E to near Bangladesh Border at Bansjhari Mallikpur Lat 22°39'07"N, Lon 88°55'35"E.
45.	National Waterway 45	<i>Indira Gandhi Canal:</i> Harike Barrage at Lat 31°08'33"N, Lon 74°56'57"E to near Mohangarh Lat 27°18'37"N, Lon 71°09'10"E.
46.	National Waterway 46	<i>Indus River:</i> Bridge on highway at Upshi village Lat 33°49'43"N, Lon 77°48'56"E to Bridge on Shey-Chuchol road near Shey village Lat 34°03'35"N, Lon 77°38'33"E.
47.	National Waterway 47	<i>Jalangi River:</i> Bridge on State Highway No. 14 near Plashipara at Lat 23°47'47"N, Lon 88°27'09"E to confluence of Jalangi with Hooghly/Bhagirathi rivers at Nabadwip Lat 23°24'39"N, Lon 88°22'48"E.
48.	National Waterway 48	<i>Jawai-Luni Rivers and Rann of Kutch:</i> Jawai river from Jalore at Lat 25°20'37"N, Lon 72°41'09"E to Luni river near Gandhav village to Rann of Kutchh at Lat 23°32'54"N, Lon 68°22'27"E.
49.	National Waterway 49	<i>Jhelum River:</i> Bridge on highway at Lat 33°49'26"N, Lon 75°03'50"E to Wuler lake, Srinagar at Lat 34°21'37"N, Lon 74°36'36"E.
50.	National Waterway 50	<i>Jinjiram River:</i> Confluence with Brahmaputra river at Tumni Lat 25°51'51"N, Lon 89°58'57"E to Fulerchar Point. III at Brahmaputra river Lat 25°44'15"N, Lon 89°52'53"E.
51.	National Waterway 51	<i>Kabini River:</i> Kabini Dam Lat 11°58'25"N, Lon 76°21'10"E to Beeramballi at Lat 11°56'10"N, Lon 76°14'18"E.
52.	National Waterway 52	<i>Kali River:</i> Kodasalli Dam Lat 14°55'08"N, Lon 74°32'07"E to confluence of Kali river with Arabian Sea near Sadashivgad bridge at Lat 14°50'31"N, Lon 74°07'21"E.
53.	National Waterway 53	<i>Kalyan-Thane-Mumbai Waterway, Vasai Creek and Ulhas River:</i> Arabian Sea at Navi Mumbai Lat 18°55'50"N, Lon 72°53'22"E via Ulhas river to bridge on State Highway No. 76 near Malegaon T. Waredi Lat 19°02'38"N, Lon 73°19'54"E;  Bridge on Kalyan-Badlapur road near Kalyan railway yard at Kalyan Lat 19°14'06"N, Lon 73°08'49"E to Kalyan Lat 19°15'35"N, Lon 73°09'28"E;  Vasai Creek from Lat 19°18'54"N to Lon 72°47'30"E to Kasheli at Lat 19°13'23"N, Lon 73°02'21"E.

(1)	(2)	(3)
54.	National Waterway 54	<i>Karamnasa River:</i> Bridge at Kakarait Lat 25°18'11"N, Lon 83°31'38"E to confluence of Karamnasa and Ganga rivers at Kutubpur Lat 25°31'06"N, Lon 83°52'47"E.
55.	National Waterway 55	<i>Kaveri Kollidam River:</i> Uratchikottai Barrage at Lat 11°29'03"N, Lon 77°42'14"E to confluence of river Kollidam with Bay of Bengal at Pazhaiyar Lat 11°21'38"N, Lon 79°49'53"E.
56.	National Waterway 56	<i>Kherkai River:</i> Dam near Gangia village at Lat 22°45'12"N, Lon 86°05'09"E to confluence with Subarnrekha river at Jamshedpur Lat 22°50'13"N, Lon 86°09'37"E.
57.	National Waterway 57	<i>Kopili River:</i> Bridge at Banthai Gaon Tinali Bus Stop at Lat 26°10'41"N, Lon 92°13'05"E to confluence with Brahmaputra river at Chandrapur No. 2 Lat 26°15'07"N, Lon 91°56'49"E.
58.	National Waterway 58	<i>Kosi River:</i> Kosi Barrage at Hanuman Nagar Lat 26°31'40"N, Lon 86°55'29"E to Confluence of Kosi with Ganga river at Kursela Lat 25°24'40"N, Lon 87°15'14"E.
59.	National Waterway 59	<i>Kottayam-Vaikom Canal:</i> Kottayam, near Kodimatha at Lat 9°34'39"N, Lon 76°31'08"E to Vechoor joining National Waterway No. 3 at Lat 9°40'0"N, Lon 76°24'11"E.
60.	National Waterway 60	<i>Kumari River:</i> Dam near Amruhasa village at Lat 23°06'37"N, Lon 86°15'51"E to Mukutmanipur Dam at Chiada Lat 22°57'18"N, Lon 86°44'43"E.
61.	National Waterway 61	<i>Kynshi River:</i> Bangladesh Border near Mawpyllum Lat 25°12'07"N, Lon 91°15'21"E to bridge on Nonghyllam-Maweit road at Lat 25°19'35"N, Lon 91°04'07"E.
62.	National Waterway 62	<i>Lohit River:</i> Parasuram Kund at 27°52'40"N, Lon 96°21'40"E to Saikhowa Ghat, Sadiya Lat 27°47'49"N, Lon 95°38'14"E.
63.	National Waterway 63	<i>Luni River:</i> Dam at Jaswantpura Lat 26°13'35"N, Lon 73°41'20"E to Barrage near Malipura Lat 24°57'04"N, Lon 71°38'02"E.
64.	National Waterway 64	<i>Mahanadi River:</i> Sambalpur Barrage at Lat 21°27'34"N, Lon 83°57'50"E to Paradip at Lat 20°19'38"N, Lon 86°40'17"E.
65.	National Waterway 65	<i>Mahananda River:</i> Bridge near Gosaipur at Lat 25°26'41"N, Lon 88°05'26"E to Bangladesh Border near Adampur at Lat 24°57'17"N, Lon 88°10'59"E.



(1)	(2)	(3)
66.	National Waterway 66	<i>Mahi River:</i> Kadana Dam Lat 23°18'22"N, Lon 73°49'37"E to confluence with Gulf of Khambhat near Kavi railway station Lat 22°10'35"N, Lon 72°30'36"E.
67.	National Waterway 67	<i>Malaprabha River:</i> Jakanuru at Lat 15°49'51"N, Lon 75°38'54"E to confluence with river Krishna at Kudalasangama Lat 16°12'30"N, Lon 76°04'16"E.
68.	National Waterway 68	<i>Mandovir River:</i> Bridge at Usgaon at Lat 15°26'42"N, Lon 74°03'12"E to confluence of Mandovi river with Arabian Sea at Reis Magos Lat 15°28'32"N, Lon 73°46'46"E.
69.	National Waterway 69	<i>Manimutharu River:</i> Manimutharu Dam Lat 8°39'14"N, Lon 77°24'47"E to confluence with Tramaraparani river near Aladiur Lat 8°41'03"N, Lon 77°26'07"E.
70.	National Waterway 70	<i>Manjara River:</i> Singur Dam at Lat 17°44'58"N, Lon 77°55'41"E to confluence with river Godavari at Kandakurthi at Lat 18°49'07"N, Lon 77°52'20"E.
71.	National Waterway 71	<i>Mapusa/Moide River:</i> Bridge on National Highway-17 at Mapusa Lat 15°35'21"N, Lon 73°49'17"E to confluence point of Mapusa and Mandovi rivers at Porvorim Lat 15°30'20"N, Lon 73°50'42"E.
72.	National Waterway 72	<i>Nag River:</i> Bridge near NIT Colony, Nagpur Lat 21°06'17"N, Lon 79°06'03"E to confluence with river Kanhan near Sawangi village at Lat 21°05'38"N, Lon 79°27'54"E.
73.	National Waterway 73	<i>Narmada River:</i> Pandhariya at Lat 21°57'10"N, Lon 74°08'27"E to confluence of Narmada with Arabian Sea at Gulf of Khambhat Lat 21°38'27"N, Lon 72°33'28"E.
74.	National Waterway 74	<i>Netravathi River:</i> Netravathi Dam, Dharmsthala Lat 12°57'55"N, Lon 75°22'10"E to confluence with Arabian sea at Bengre Lat 12°50'43"N, Lon 74°49'29"E.
75.	National Waterway 75	<i>Palar River:</i> Rail bridge at Virudampattu, Vellore at Lat 12°56'14"N, Lon 79°07'30"E to confluence with Bay of Bengal at Sadurangapattinam Lat 12°27'52"N, Lon 80°09'13"E.
76.	National Waterway 76	<i>Panchagangavali (Panchagangoli) River:</i> Gangoli Port at Lat 13°38'01"N, Lon 74°40'08"E to Bridge at Badakere at Lat 13°44'50"N, Lon 74°39'15"E.
77.	National Waterway 77	<i>Pazhyar River:</i> Bridge near Veeranarayana Mangalam village at Lat 8°13'49"N, Lon 77°26'27"E to confluence with Arabian Sea at Manakudi at Lat 8°05'15"N, Lon 77°29'08"E.

(1)	(2)	(3)
78.	National Waterway 78	<i>Penganga Wardha River System:</i> Confluence of Aran and Penganga rivers near Chimata village at Lat 19°54'08"N, Lon 78°12'36"E to the confluence of Wardha and Pranahita rivers near Ravalli village at Lat 19°33'59"N, Lon 79°49'0"E.
79.	National Waterway 79	<i>Pennar River:</i> Penna Barrage, Pothireddypalem at Lat 14°28'08"N, Lon 79°59'09"E to confluence with Bay of Bengal near Kudithipalem at Lat 14°35'37"N, Lon 80°11'31"E.
80.	National Waterway 80	<i>Ponniyar River:</i> Sathanur Dam at Lat 12°11'0"N, Lon 78°51'01"E to Cuddalore at confluence of Bay of Bengal at Lat 11°46'22"N, Lon 79°47'42"E.
81.	National Waterway 81	<i>Punpun River:</i> Bridge on National Highway-83 near Pakri village Lat 25°29'50"N, Lon 85°06'19"E to confluence with river Ganga at Fatuha Lat 25°30'50"N, Lon 85°18'17"E.
82.	National Waterway 82	<i>Puthimari River:</i> Bridge on National Highway-31 near village Ghopla at Lat 26°22'01"N, Lon 91°39'11"E to confluence with Brahmaputra river near Bamunbori at Lat 26°15'28"N, Lon 91°20'35"E.
83.	National Waterway 83	<i>Rajpuri Creek:</i> Arabian Sea at Rajpuri Lat 18°18'03"N, Lon 72°56'43"E to Mhasala at Lat 18°08'15"N, Lon 73°06'45"E.
84.	National Waterway 84	<i>Ravi River:</i> Dam at Gandhiar Lat 32°35'51"N, Lon 75°59'05"E to Ranjeet Sagar Dam at Basoli Lat 32°26'36"N, Lon 75°43'45"E.
85.	National Waterway 85	<i>Revadanda Creek Kundalika River System:</i> Arabian Sea at Revadanda Lat 18°32'20"N, Lon 72°55'33"E to bridge on Roha-Astami Road near Roha Nagar Lat 18°26'32"N, Lon 73°07'11"E.
86.	National Waterway 86	<i>Rupnarayan River:</i> Confluence of Dwarakeswar and Silai rivers at Pratappur Lat 22°40'17"N, Lon 87°46'43"E to confluence with Hooghly river at Geonkhali Lat 22°12'42"N, Lon 88°03'14"E.
87.	National Waterway 87	<i>Sabarmati River:</i> Barrage near Sadoliya Lat 23°26'50"N, Lon 72°48'35"E to confluence with Gulf of Khambhat near Khambhat Lat 22°09'18"N, Lon 72°27'28"E.
88.	National Waterway 88	<i>Sal River:</i> Orlim Deusa Bridge Lat 15°13'11"N, Lon 73°57'30"E to confluence with Arabian Sea at Mobor Lat 15°08'32"N, Lon 73°57'0"E.

(1)	(2)	(3)
89.	National Waterway 89	<i>Savitri River (Bankot Creek):</i> Bridge near Sape at Lat 18°05'54"N, Lon 73°20'09"E to Arabian Sea at Bankot Lat 17°58'47"N, Lon 73°01'45"E.
90.	National Waterway 90	<i>Sharavati River:</i> Honnavar Port Sea Mouth at Lat 14°17'56"N, Lon 74°25'27" E to link at highway at Gersoppa Lat 14°14'15"N, Lon 74°39'06"E.
91.	National Waterway 91	<i>Shastri River Jaigad Creek:</i> Sangmeshwar at Lat 17°11'16"N, Lon 73°33'03"E to confluence with Arabian Sea at Jaigad Lat 17°19'12"N, Lon 73°12'39"E.
92.	National Waterway 92	<i>Silabati River:</i> Barrage near Shimulia village at Lat 22°34'53" N, Lon 87°38'31"E to confluence of Dwarakeswar and Silai rivers at Pratappur Lat 22°40'17"N, Lon 87°46'43"E.
93.	National Waterway 93	<i>Simsang River:</i> Bangladesh Border at Lat 25°11'05"N, Lon 90°39'25"E to bridge on National Highway-62 near Nongalbibra Lat 25°27'20"N, Lon 90°42'22"E.
94.	National Waterway 94	<i>Sone River:</i> Sone Barrage near Dehri at Lat 24°50'14" N, Lon 84°08'03"E to confluence of Sone and Ganga rivers at Lat 25°42'15"N, Lon 84°52'02"E.
95.	National Waterway 95	<i>Subansiri River:</i> Gerukamukh Lat 27°27'03" N, Lon 94°15'16"E to Brahmaputra confluence at Lat 26°52'25"N, Lon 93°54'31"E.
96.	National Waterway 96	<i>Subarnrekha River:</i> Chandil Dam at Lat 22°58'29" N, Lon 86°01'14"E to confluence with Bay of Bengal at Lat 21°33'29"N, Lon 87°22'59"E.
97.	National Waterway 97	<i>Sunderbans Waterways:</i> (i) Namkhana at Lat 21°45'46" N, Lon 88°13'06"E to Athara Banki Khal Lat 21°56'57"N, Lon 89°05'32"E; (ii) Bidya River: Lot No. 124 at Lat 21°54'43" N, Lon 88°41'08"E to near Uttar Danga at Lat 22°11'48"N, Lon 88°51'55"E; (iii) Chhota Kalagachi(Chhoto Kalergachi) River: Near Rajani ferry ghat Lat 22°19'57" N, Lon 88°54'21"E to near Nazat at Lat 22°26'05"N, Lon 88°50'12"E; (iv) Gomar River: Near Ramkrishnapur Lat 22°11'53" N, Lon 88°44'42"E to near Gosaba Kheya ghat at Lat 22°10'05"N, Lon 88°47'37"E; (v) Haribhanga River: Bangladesh Border Lat 21°53'19" N, Lon 89°01'24"E to confluence with Jhila river at Lat 21°58'18"N, Lon 88°55'08"E;

(1)	(2)	(3)
		<p>(vi) <i>Hogla(Holgal)-Pathankhali River</i>: Near Parandar Lat 22°12'22" N, Lon 88°40'43"E to near Sandeshkhali Ferry Ghat at Lat 22°21'12"N, Lon 88°52'48"E;</p> <p>(vii) <i>Kalindi (Kalandi) River</i>: Bangladesh Border at Hingalganj Lat 22°28'08" N, Lon 88°59'46"E to Bangladesh Border near Khosbash at Lat 22°24'41"N, Lon 88°58'21"E;</p> <p>(viii) <i>Katakhali River</i>: Bangladesh Border near Barunhat Lat 22°30'31" N, Lon 88°58'25"E to Lebukhali ferry at Lat 22°21'45"N, Lon 88°57'30"E;</p> <p>(ix) <i>Matla River</i>: Bay of Bengal at Lat 21°33'04" N, Lon 88°38'26"E to Canning ferry ghat at Lat 22°18'39"N, Lon 88°40'43"E;</p> <p>(x) <i>Muri Ganga (Baratala) River</i>: Bay of Bengal near Bisalakshmipur Lat 21°37'52" N, Lon 88°10'0"E to near Kakdwip at Lat 21°52'17"N, Lon 88°09'08"E;</p> <p>(xi) <i>Raimangal River</i>: Hemnagar at Lat 22°11'41" N, Lon 88°58'01"E to Rajnagar at Lat 22°33'57"N, Lon 88°56'17"E;</p> <p>(xii) <i>Sahibkhali (Sahebbkhali) River</i>: Near Ramapur Lat 22°17'52" N, Lon 88°56'35"E to Bangladesh Border near Khosbash at Lat 22°24'41"N, Lon 88°58'21"E;</p> <p>(xiii) <i>Saptamukhi River</i>: Bay of Bengal at Henry Island Lat 21°34'57" N, Lon 88°19'08"E to near Chintamanipur at Lat 21°51'14"N, Lon 88°18'41"E;</p> <p>(xiv) <i>Thakurran River</i>: Bay of Bengal at Lat 21°33'32" N, Lon 88°27'45"E to Madhabpur at Lat 22°02'52"N, Lon 88°33'28"E;</p>
98.	National Waterway 98	<p><i>Sutlej River</i>: Sunni Road Bridge at Lat 31°14'45" N, Lon 77°07'34"E to Harike Dam at Lat 31°08'33"N, Lon 74°56'57"E.</p>
99.	National Waterway 99	<p><i>Tamaraparani River</i>: Sulochana Mudalir bridge, Tirunelveli Lat 8°43'43" N, Lon 77°42'54"E to confluence with Bay of Bengal near Punnaikayal at Lat 8°38'25"N, Lon 78°07'38"E.</p>
100.	National Waterway 100	<p><i>Tapi River</i>: Hatnur Dam Near Mangalwadi Lat 21°04'22"N, Lon 75°56'45"E to Gulf of Khambhat (Arabian Sea) at Lat 21°02'16"N, Lon 72°39'30"E.</p>
101.	National Waterway 101	<p><i>Tizu and Zungki Rivers</i>: Longmatra at Lat 25°46'12"N, Lon 94°44'35"E to Avanghku at Myanmar border Lat 25°35'03"N, Lon 94°53'06"E and in Zungki river from bridge at Lat 25°48'26"N, Lon 94°46'36"E to confluence of Zungki and Tizu rivers at Lat 25°46'58"N, Lon 94°45'21"E.</p>
102.	National Waterway 102	<p><i>Thwang (Dhaleswari River)</i>: Khamrang near National Highway-54 Lat 23°55'22"N, Lon 92°39'08"E to Bridge on National Highway-154 at Gharmura Lat 24°17'19"N, Lon 92°31'0"E.</p>

(1)	(2)	(3)
103.	National Waterway 103	<i>Tons River:</i> Bridge on National Highway-27 near Chakghat at Lat 25°02'05"N, Lon 81°43'45"E to Ganga confluence at Sirsa Lat 25°16'32"N, Lon 82°05'0"E.
104.	National Waterway 104	<i>Tungabhadra River:</i> Bridge on State Highway No. 29 near Chikka Jantakal village at Lat 15°24'33"N, Lon 76°35'13"E to confluence with river Krishna near village Murva Konda at Lat 15°57'20"N, Lon 78°14'30"E.
105.	National Waterway 105	<i>Udayavara River:</i> Arabian Sea Mouth at Malpe Lat 13°20'57"N, Lon 74°41'28"E to Bridge near Manipura Lat 13°17'33"N, Lon 74°46'26"E.
106.	National Waterway 106	<i>Umngot (Dwaki) River:</i> Bangladesh Border near Larbamon Lat 25°11'07"N Lon 92°0'54"E to Nongryngkoh at Lat 25°19'05"N, Lon 92°02'20"E.
107.	National Waterway 107	<i>Vaigai River:</i> Barrage near Anai Patti at Lat 10°05'19"N, Lon 77°51'10"E to Viragnoor Dam at Lat 9°53'52"N, Lon 78°10'34"E.
108.	National Waterway 108	<i>Varuna River:</i> Road bridge near Kuru at Lat 25°23'15"N, Lon 82°44'07"E to Ganga confluence at Saray Mohana, Varanasi Lat 25°19'45"N, Lon 83°02'41"E.
109.	National Waterway 109	<i>Wainganga Pranahita River System:</i> Bridge near Chandapur village at Lat 20°0'30"N, Lon 79°47'08"E to confluence of river Godavari at Kaleshwaram Lat 18°49'33"N, Lon 79°54'33"E.
110.	National Waterway 110	<i>Yamuna River:</i> Jagatpur (6km upstream of Wazirabad Barrage) Delhi Lat 28°45'28"N, Lon 77°13'50"E to confluence of Yamuna and Ganga rivers at Sangam, Allahabad at Lat 25°25'24"N, Lon 81°53'20"E.
111.	National Waterway 111	<i>Zuari River:</i> Sanvordem bridge Lat 15°16'15"N, Lon 74°07'11"E to Marmugao Port Lat 15°25'55"N, Lon 73°48'13"E.

## THE AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES, BENEFITS AND SERVICES) ACT, 2016

No. 18 OF 2016

[25th March, 2016.]

An Act to provide for, as a good governance, efficient, transparent, and targeted delivery of subsidies, benefits and services, the expenditure for which is incurred from the Consolidated Fund of India, to individuals residing in India through assigning of unique identity numbers to such individuals and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir and save as otherwise provided in this Act, it shall also apply to any offence or contravention thereunder committed outside India by any person.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may, be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

Short title,  
extent and  
commen-  
cement.

## Definitions.

**2. In this Act, unless the context otherwise requires,—**

(a) “Aadhaar number” means an identification number issued to an individual under sub-section (3) of section 3;

(b) “Aadhaar number holder” means an individual who has been issued an Aadhaar number under this Act;

(c) “authentication” means the process by which the Aadhaar number alongwith demographic information or biometric information of an individual is submitted to the Central Identities Data Repository for its verification and such Repository verifies the correctness, or the lack thereof, on the basis of information available with it;

(d) “authentication record” means the record of the time of authentication and identity of the requesting entity and the response provided by the Authority thereto;

(e) “Authority” means the Unique Identification Authority of India established under sub-section (1) of section 11;

(f) “benefit” means any advantage, gift, reward, relief, or payment, in cash or kind, provided to an individual or a group of individuals and includes such other benefits as may be notified by the Central Government;

(g) “biometric information” means photograph, finger print, Iris scan, or such other biological attributes of an individual as may be specified by regulations;

(h) “Central Identities Data Repository” means a centralised database in one or more locations containing all Aadhaar numbers issued to Aadhaar number holders along with the corresponding demographic information and biometric information of such individuals and other information related thereto;

(i) “Chairperson” means the Chairperson of the Authority appointed under section 12;

(j) “core biometric information” means finger print, Iris scan, or such other biological attribute of an individual as may be specified by regulations;

(k) “demographic information” includes information relating to the name, date of birth, address and other relevant information of an individual, as may be specified by regulations for the purpose of issuing an Aadhaar number, but shall not include race, religion, caste, tribe, ethnicity, language, records of entitlement, income or medical history;

(l) “enrolling agency” means an agency appointed by the Authority or a Registrar, as the case may be, for collecting demographic and biometric information of individuals under this Act;

(m) “enrolment” means the process, as may be specified by regulations, to collect demographic and biometric information from individuals by the enrolling agencies for the purpose of issuing Aadhaar numbers to such individuals under this Act;

(n) “identity information” in respect of an individual, includes his Aadhaar number, his biometric information and his demographic information;

(o) “Member” includes the Chairperson and Member of the Authority appointed under section 12;

(p) “notification” means a notification published in the Official Gazette and the expression “notified” with its cognate meanings and grammatical variations shall be construed accordingly;

(q) “prescribed” means prescribed by rules made by the Central Government under this Act;

(r) "records of entitlement" means records of benefits, subsidies or services provided to, or availed by, any individual under any programme;

(s) "Registrar" means any entity authorised or recognised by the Authority for the purpose of enrolling individuals under this Act;

(t) "regulations" means the regulations made by the Authority under this Act;

(u) "requesting entity" means an agency or person that submits the Aadhaar number, and demographic information or biometric information, of an individual to the Central Identities Data Repository for authentication;

(v) "resident" means an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment;

(w) "service" means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as may be notified by the Central Government;

(x) "subsidy" means any form of aid, support, grant, subvention, or appropriation, in cash or kind, to an individual or a group of individuals and includes such other subsidies as may be notified by the Central Government.

## CHAPTER II

### ENROLMENT

3. (1) Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment:

Aadhaar  
number.

Provided that the Central Government may, from time to time, notify such other category of individuals who may be entitled to obtain an Aadhaar number.

(2) The enrolling agency shall, at the time of enrolment, inform the individual undergoing enrolment of the following details in such manner as may be specified by regulations, namely:—

(a) the manner in which the information shall be used;

(b) the nature of recipients with whom the information is intended to be shared during authentication; and

(c) the existence of a right to access information, the procedure for making requests for such access, and details of the person or department in-charge to whom such requests can be made.

(3) On receipt of the demographic information and biometric information under sub-section (1), the Authority shall, after verifying the information, in such manner as may be specified by regulations, issue an Aadhaar number to such individual.

4. (1) An Aadhaar number, issued to an individual shall not be re-assigned to any other individual.

Properties of  
Aadhaar  
number.

(2) An Aadhaar number shall be a random number and bear no relation to the attributes or identity of the Aadhaar number holder.

(3) An Aadhaar number, in physical or electronic form subject to authentication and other conditions, as may be specified by regulations, may be accepted as proof of identity of the Aadhaar number holder for any purpose.

*Explanation.*— For the purposes of this sub-section, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000.



Special measures for issuance of Aadhaar number to certain category of persons.

5. The Authority shall take special measures to issue Aadhaar number to women, children, senior citizens, persons with disability, unskilled and unorganised workers, nomadic tribes or to such other persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations.

Update of certain information.

6. The Authority may require Aadhaar number holders to update their demographic information and biometric information, from time to time, in such manner as may be specified by regulations, so as to ensure continued accuracy of their information in the Central Identities Data Repository.

### CHAPTER III

#### AUTHENTICATION

Proof of Aadhaar number necessary for receipt of certain subsidies, benefits and services, etc.

7. The Central Government or, as the case may be, the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred from, or the receipt therefrom forms part of, the Consolidated Fund of India, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment:

Provided that if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.

Authentication of Aadhaar number.

8. (1) The Authority shall perform authentication of the Aadhaar number of an Aadhaar number holder submitted by any requesting entity, in relation to his biometric information or demographic information, subject to such conditions and on payment of such fees and in such manner as may be specified by regulations.

(2) A requesting entity shall—

(a) unless otherwise provided in this Act, obtain the consent of an individual before collecting his identity information for the purposes of authentication in such manner as may be specified by regulations; and

(b) ensure that the identity information of an individual is only used for submission to the Central Identities Data Repository for authentication.

(3) A requesting entity shall inform, in such manner as may be specified by regulations, the individual submitting his identity information for authentication, the following details with respect to authentication, namely:—

(a) the nature of information that may be shared upon authentication;

(b) the uses to which the information received during authentication may be put by the requesting entity; and

(c) alternatives to submission of identity information to the requesting entity.

(4) The Authority shall respond to an authentication query with a positive, negative or any other appropriate response sharing such identity information excluding any core biometric information.

Aadhaar number not evidence of citizenship or domicile, etc.

9. The Aadhaar number or the authentication thereof shall not, by itself, confer any right of, or be proof of, citizenship or domicile in respect of an Aadhaar number holder.

Central Identities Data Repository.

10. The Authority may engage one or more entities to establish and maintain the Central Identities Data Repository and to perform any other functions as may be specified by regulations.

## CHAPTER IV

## UNIQUE IDENTIFICATION AUTHORITY OF INDIA

**11.** (1) The Central Government shall, by notification, establish an Authority to be known as the Unique Identification Authority of India to be responsible for the processes of enrolment and authentication and perform such other functions assigned to it under this Act.

Establishment  
of Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the Authority shall be in New Delhi.

(4) The Authority may, with the prior approval of the Central Government, establish its offices at other places in India.

**12.** The Authority shall consist of a Chairperson, appointed on part-time or full-time basis, two part-time Members, and the chief executive officer who shall be Member-Secretary of the Authority, to be appointed by the Central Government.

Composition  
of Authority.

**13.** The Chairperson and Members of the Authority shall be persons of ability and integrity having experience and knowledge of at least ten years in matters relating to technology, governance, law, development, economics, finance, management, public affairs or administration.

Qualifications  
for  
appointment  
of  
Chairperson  
and Members  
of Authority.

**14.** (1) The Chairperson and the Members appointed under this Act shall hold office for a term of three years from the date on which they assume office and shall be eligible for re-appointment:

Term of  
office and  
other  
conditions  
of service  
of  
Chairperson  
and Members.

Provided that no person shall hold office as the Chairperson or Member after he has attained the age of sixty-five years.

(2) The Chairperson and every Member shall, before entering office, make and subscribe to, an oath of office and of secrecy, in such form and in such manner and before such Authority as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1), the Chairperson or Member may—

(a) relinquish his office, by giving in writing to the Central Government, a notice of not less than thirty days; or

(b) be removed from his office in accordance with the provisions of section 15.

(4) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and allowances or remuneration payable to part-time Members shall be such as may be prescribed.

**15.** (1) The Central Government may remove from office, the Chairperson, or a Member, who—

Removal of  
Chairperson  
and Members.

(a) is, or at any time has been adjudged as insolvent;

(b) has become physically or mentally incapable of acting as the Chairperson or, as the case may be, a Member;

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or, as the case may be, a Member; or

(e) has, in the opinion of the Central Government, so abused his position as to render his continuance in office detrimental to the public interest.

(2) The Chairperson or a Member shall not be removed under clause (b), clause (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard.

Restrictions  
on  
Chairperson  
or Members  
on  
employment  
after cessation  
of office.

**16.** The Chairperson or a Member on ceasing to hold office for any reason, shall not, without previous approval of the Central Government,—

(a) accept any employment in, or be connected with the management of any organisation, company or any other entity which has been associated with any work done or contracted out by the Authority, whether directly or indirectly, during his tenure as Chairperson or Member, as the case may be, for a period of three years from the date on which he ceases to hold office:

Provided that nothing contained in this clause shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company, as defined in clause (45) of section 2 of the Companies Act, 2013;

18 of 2013.

(b) act, for or on behalf of any person or organisation in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or such Member had, before cessation of office, acted for or provided advice to, the Authority;

(c) give advice to any person using information which was obtained in his capacity as the Chairperson or a Member and being unavailable to or not being able to be made available to the public; or

(d) enter, for a period of three years from his last day in office, into a contract of service with, accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office.

Functions of  
Chairperson.

**17.** The Chairperson shall preside over the meetings of the Authority, and without prejudice to any provision of this Act, exercise and discharge such other powers and functions of the Authority as may be prescribed.

Chief  
executive  
officer.

**18. (1)** There shall be a chief executive officer of the Authority, not below the rank of Additional Secretary to the Government of India, to be appointed by the Central Government.

(2) The chief executive officer shall be the legal representative of the Authority and shall be responsible for—

(a) the day-to-day administration of the Authority;

(b) implementing the work programmes and decisions adopted by the Authority;

(c) drawing up of proposal for the Authority's decisions and work programmes;

(d) the preparation of the statement of revenue and expenditure and the execution of the budget of the Authority; and

(e) performing such other functions, or exercising such other powers, as may be specified by regulations.

(3) Every year, the chief executive officer shall submit to the Authority for approval—

(a) a general report covering all the activities of the Authority in the previous year;

(b) programmes of work;

(c) the annual accounts for the previous year; and

(d) the budget for the coming year.

(4) The chief executive officer shall have administrative control over the officers and other employees of the Authority.

**19. (1)** The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings, as may be specified by regulations.

Meetings of  
Authority.

(2) The Chairperson, or, if for any reason, he is unable to attend a meeting of the Authority, the senior most Member shall preside over the meetings of the Authority.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the Members present and voting and in the event of an equality of votes, the Chairperson or in his absence the presiding Member shall have a casting vote.

(4) All decisions of the Authority shall be signed by the Chairperson or any other Member or the Member-Secretary authorised by the Authority in this behalf.

(5) If any Member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the Member shall not take part in any deliberation or decision of the Authority with respect to that matter.

**20.** No act or proceeding of the Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Authority;

(b) any defect in the appointment of a person as Chairperson or Member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

Vacancies,  
etc., not to  
invalidate  
proceedings  
of Authority.

**21. (1)** The Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required by the Authority in the discharge of its functions.

Officers and  
other  
employees of  
Authority.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the chief executive officer and other officers and other employees of the Authority shall be such as may be specified by regulations with the approval of the Central Government.

**22.** On and from the establishment of the Authority—

(a) all the assets and liabilities of the Unique Identification Authority of India, established *vide* notification of the Government of India in the Planning Commission number A-43011/02/2009-Admin. I, dated the 28th January, 2009, shall stand transferred to, and vested in, the Authority.

Transfer of  
assets,  
liabilities of  
Authority.

*Explanation.*—The assets of such Unique Identification Authority of India shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such Unique Identification Authority of India and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;

(b) without prejudice to the provisions of clause (a), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such Unique Identification Authority of India immediately before that day, for or in connection with the purpose of the said Unique Identification Authority of India, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Authority;

(c) all sums of money due to the said Unique Identification Authority of India immediately before that day shall be deemed to be due to the Authority; and

(d) all suits and other legal proceedings instituted or which could have been instituted by or against such Unique Identification Authority of India immediately before that day may be continued or may be instituted by or against the Authority.

Powers and  
functions of  
Authority.

23. (1) The Authority shall develop the policy, procedure and systems for issuing Aadhaar numbers to individuals and perform authentication thereof under this Act.

(2) Without prejudice to sub-section (1), the powers and functions of the Authority, *inter alia*, include—

(a) specifying, by regulations, demographic information and biometric information required for enrolment and the processes for collection and verification thereof;

(b) collecting demographic information and biometric information from any individual seeking an Aadhaar number in such manner as may be specified by regulations;

(c) appointing of one or more entities to operate the Central Identities Data Repository;

(d) generating and assigning Aadhaar numbers to individuals;

(e) performing authentication of Aadhaar numbers;

(f) maintaining and updating the information of individuals in the Central Identities Data Repository in such manner as may be specified by regulations;

(g) omitting and deactivating of an Aadhaar number and information relating thereto in such manner as may be specified by regulations;

(h) specifying the manner of use of Aadhaar numbers for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar numbers may be used;

(i) specifying, by regulations, the terms and conditions for appointment of Registrars, enrolling agencies and service providers and revocation of appointments thereof;

(j) establishing, operating and maintaining of the Central Identities Data Repository;

(k) sharing, in such manner as may be specified by regulations, the information of Aadhaar number holders, subject to the provisions of this Act;

(l) calling for information and records, conducting inspections, inquiries and audit of the operations for the purposes of this Act of the Central Identities Data Repository, Registrars, enrolling agencies and other agencies appointed under this Act;

(m) specifying, by regulations, various processes relating to data management, security protocols and other technology safeguards under this Act;

(n) specifying, by regulations, the conditions and procedures for issuance of new Aadhaar number to existing Aadhaar number holder;

(o) levying and collecting the fees or authorising the Registrars, enrolling agencies or other service providers to collect such fees for the services provided by them under this Act in such manner as may be specified by regulations;

(p) appointing such committees as may be necessary to assist the Authority in discharge of its functions for the purposes of this Act;

(q) promoting research and development for advancement in biometrics and related areas, including usage of Aadhaar numbers through appropriate mechanisms;

(r) evolving of, and specifying, by regulations, policies and practices for Registrars, enrolling agencies and other service providers;

(s) setting up facilitation centres and grievance redressal mechanism for redressal of grievances of individuals, Registrars, enrolling agencies and other service providers;

(t) such other powers and functions as may be prescribed.

(3) The Authority may,—

(a) enter into Memorandum of Understanding or agreement, as the case may be, with the Central Government or State Governments or Union territories or other agencies for the purpose of performing any of the functions in relation to collecting, storing, securing or processing of information or delivery of Aadhaar numbers to individuals or performing authentication;

(b) by notification, appoint such number of Registrars, engage and authorise such agencies to collect, store, secure, process information or do authentication or perform such other functions in relation thereto,

as may be necessary for the purposes of this Act.

(4) The Authority may engage such consultants, advisors and other persons as may be required for efficient discharge of its functions under this Act on such allowances or remuneration and terms and conditions as may be specified by contract.

## CHAPTER V

### GRANTS, ACCOUNTS AND AUDIT AND ANNUAL REPORT

24. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority, grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by  
Central  
Government.

25. The fees or revenue collected by the Authority shall be credited to the Consolidated Fund of India.

Other fees  
and revenues.

26. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and  
audit.

(2) The accounts of the Authority shall be audited annually by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts, and in particular, shall have the right to demand production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority and the Central Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

27. (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and particulars in regard to any matter under the jurisdiction of the Authority, as the Central Government may from time to time require.

Returns and  
annual report,  
etc.



(2) The Authority shall prepare, once in every year, and in such form and manner and at such time as may be prescribed, an annual report giving—

- (a) a description of all the activities of the Authority for the previous years;
- (b) the annual accounts for the previous year; and
- (c) the programmes of work for coming year.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

## CHAPTER VI

### PROTECTION OF INFORMATION

Security and confidentiality of information.

**28. (1)** The Authority shall ensure the security of identity information and authentication records of individuals.

(2) Subject to the provisions of this Act, the Authority shall ensure confidentiality of identity information and authentication records of individuals.

(3) The Authority shall take all necessary measures to ensure that the information in the possession or control of the Authority, including information stored in the Central Identities Data Repository, is secured and protected against access, use or disclosure not permitted under this Act or regulations made thereunder, and against accidental or intentional destruction, loss or damage.

(4) Without prejudice to sub-sections (1) and (2), the Authority shall—

- (a) adopt and implement appropriate technical and organisational security measures;
- (b) ensure that the agencies, consultants, advisors or other persons appointed or engaged for performing any function of the Authority under this Act, have in place appropriate technical and organisational security measures for the information; and
- (c) ensure that the agreements or arrangements entered into with such agencies, consultants, advisors or other persons, impose obligations equivalent to those imposed on the Authority under this Act, and require such agencies, consultants, advisors and other persons to act only on instructions from the Authority.

(5) Notwithstanding anything contained in any other law for the time being in force, and save as otherwise provided in this Act, the Authority or any of its officers or other employees or any agency that maintains the Central Identities Data Repository shall not, whether during his service or thereafter, reveal any information stored in the Central Identities Data Repository or authentication record to anyone:

Provided that an Aadhaar number holder may request the Authority to provide access to his identity information excluding his core biometric information in such manner as may be specified by regulations.

Restriction on sharing information.

**29. (1)** No core biometric information, collected or created under this Act, shall be—

- (a) shared with anyone for any reason whatsoever; or
- (b) used for any purpose other than generation of Aadhaar numbers and authentication under this Act.

(2) The identity information, other than core biometric information, collected or created under this Act may be shared only in accordance with the provisions of this Act and in such manner as may be specified by regulations.

(3) No identity information available with a requesting entity shall be—

- (a) used for any purpose, other than that specified to the individual at the time of submitting any identity information for authentication; or



(b) disclosed further, except with the prior consent of the individual to whom such information relates.

(4) No Aadhaar number or core biometric information collected or created under this Act in respect of an Aadhaar number holder shall be published, displayed or posted publicly, except for the purposes as may be specified by regulations.

21 of 2000.

**30.** The biometric information collected and stored in electronic form, in accordance with this Act and regulations made thereunder, shall be deemed to be "electronic record" and "sensitive personal data or information", and the provisions contained in the Information Technology Act, 2000 and the rules made thereunder shall apply to such information, in addition to, and to the extent not in derogation of the provisions of this Act.

Biometric information deemed to be sensitive personal information.

*Explanation.*— For the purposes of this section, the expressions—

21 of 2000.

(a) "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000.

(b) "electronic record" shall have the same meaning as assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000.

(c) "sensitive personal data or information" shall have the same meaning as assigned to it in clause (iii) of the *Explanation* to section 43A of the Information Technology Act, 2000.

**31.** (1) In case any demographic information of an Aadhaar number holder is found incorrect or changes subsequently, the Aadhaar number holder shall request the Authority to alter such demographic information in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

Alteration of demographic information or biometric information.

(2) In case any biometric information of Aadhaar number holder is lost or changes subsequently for any reason, the Aadhaar number holder shall request the Authority to make necessary alteration in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

(3) On receipt of any request under sub-section (1) or sub-section (2), the Authority may, if it is satisfied, make such alteration as may be required in the record relating to such Aadhaar number holder and intimate such alteration to the concerned Aadhaar number holder.

(4) No identity information in the Central Identities Data Repository shall be altered except in the manner provided in this Act or regulations made in this behalf.

**32.** (1) The Authority shall maintain authentication records in such manner and for such period as may be specified by regulations.

Access to own information and records of requests for authentication.

(2) Every Aadhaar number holder shall be entitled to obtain his authentication record in such manner as may be specified by regulations.

(3) The Authority shall not, either by itself or through any entity under its control, collect, keep or maintain any information about the purpose of authentication.

**33.** (1) Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a District Judge:

Disclosure of information in certain cases.

Provided that no order by the court under this sub-section shall be made without giving an opportunity of hearing to the Authority.

(2) Nothing contained in sub-section (2) or sub-section (5) of section 28 and clause (b) of sub-section (1), sub-section (2) or sub-section (3) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication

records, made in the interest of national security in pursuance of a direction of an officer not below the rank of Joint Secretary to the Government of India specially authorised in this behalf by an order of the Central Government:

Provided that every direction issued under this sub-section, shall be reviewed by an Oversight Committee consisting of the Cabinet Secretary and the Secretaries to the Government of India in the Department of Legal Affairs and the Department of Electronics and Information Technology, before it takes effect:

Provided further that any direction issued under this sub-section shall be valid for a period of three months from the date of its issue, which may be extended for a further period of three months after the review by the Oversight Committee.

## CHAPTER VII

### OFFENCES AND PENALTIES

Penalty for impersonation at time of enrolment.

**34.** Whoever impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false demographic information or biometric information, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or with both.

Penalty for impersonation of Aadhaar number holder by changing demographic information or biometric information.

**35.** Whoever, with the intention of causing harm or mischief to an Aadhaar number holder, or with the intention of appropriating the identity of an Aadhaar number holder changes or attempts to change any demographic information or biometric information of an Aadhaar number holder by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees.

Penalty for impersonation.

**36.** Whoever, not being authorised to collect identity information under the provisions of this Act, by words, conduct or demeanour pretends that he is authorised to do so, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for disclosing identity information.

**37.** Whoever, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of enrolment or authentication to any person not authorised under this Act or regulations made thereunder or in contravention of any agreement or arrangement entered into pursuant to the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for unauthorised access to the Central Identities Data Repository.

**38.** Whoever, not being authorised by the Authority, intentionally,—

- (a) accesses or secures access to the Central Identities Data Repository;
- (b) downloads, copies or extracts any data from the Central Identities Data Repository or stored in any removable storage medium;
- (c) introduces or causes to be introduced any virus or other computer contaminant in the Central Identities Data Repository;
- (d) damages or causes to be damaged the data in the Central Identities Data Repository;
- (e) disrupts or causes disruption of the access to the Central Identities Data Repository;
- (f) denies or causes a denial of access to any person who is authorised to access the Central Identities Data Repository;

(g) reveals any information in contravention of sub-section (5) of section 28, or shares, uses or displays information in contravention of section 29 or assists any person in any of the aforementioned acts;

(h) destroys, deletes or alters any information stored in any removable storage media or in the Central Identities Data Repository or diminishes its value or utility or affects it injuriously by any means; or

(i) steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used by the Authority with an intention to cause damage,

shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which shall not be less than ten lakh rupees.

*Explanation.*—For the purposes of this section, the expressions “computer contaminant”, “computer virus” and “damage” shall have the meanings respectively assigned to them in the *Explanation* to section 43 of the Information Technology Act, 2000, and the expression “computer source code” shall have the meaning assigned to it in the *Explanation* to section 65 of the said Act.

21 of 2000.

**39.** Whoever, not being authorised by the Authority, uses or tampers with the data in the Central Identities Data Repository or in any removable storage medium with the intent of modifying information relating to Aadhaar number holder or discovering any information thereof, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees.

Penalty for tampering with data in Central Identities Data Repository.

**40.** Whoever, being a requesting entity, uses the identity information of an individual in contravention of sub-section (3) of section 8, shall be punishable with imprisonment which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for unauthorised use by requesting entity.

**41.** Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.

Penalty for non-compliance with intimation requirements.

**42.** Whoever commits an offence under this Act or any rules or regulations made thereunder for which no specific penalty is provided elsewhere than this section, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to twenty-five thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees, or with both.

General penalty.

**43.** (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

Act to apply  
for offence or  
contravention  
committed  
outside India.

44. (1) Subject to the provisions of sub-section (2), the provisions of this Act shall apply also to any offence or contravention committed outside India by any person, irrespective of his nationality.

(2) For the purposes of sub-section (1), the provisions of this Act shall apply to any offence or contravention committed outside India by any person, if the act or conduct constituting the offence or contravention involves any data in the Central Identities Data Repository.

Power to  
investigate  
offences.

45. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a police officer not below the rank of Inspector of Police shall investigate any offence under this Act.

2 of 1974.

Penalties not  
to interfere  
with other  
punishments.

46. No penalty imposed under this Act shall prevent the imposition of any other penalty or punishment under any other law for the time being in force.

Cognizance of  
offences.

47. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act.

## CHAPTER VIII

### MISCELLANEOUS

Power of  
Central  
Government  
to supersede  
Authority.

48. (1) If, at any time, the Central Government is of the opinion,—

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that a public emergency exists,

the Central Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1), superseding the Authority,—

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the

Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other Members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

45 of 1860.

**49.** The Chairperson, Members, officers and other employees of the Authority shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, officers, etc., to be public servants.

**50.** (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act be bound by such directions on questions of policy, as the Central Government may give, in writing to it, from time to time:

Power of Central Government to issue directions.

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section:

Provided further that nothing in this section shall empower the Central Government to issue directions pertaining to technical or administrative matters undertaken by the Authority.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

**51.** The Authority may, by general or special order in writing, delegate to any Member, officer of the Authority or any other person, subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 54) as it may deem necessary.

Delegation.

**52.** No suit, prosecution or other legal proceeding shall lie against the Central Government or the Authority or the Chairperson or any Member or any officer, or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rule or regulation made thereunder.

Protection of action taken in good faith.

**53.** (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which and the authority before whom the oath of office and of secrecy is to be subscribed by the Chairperson and Members under sub-section (2) of section 14;

(b) the salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the allowances or remuneration payable to Members of the Authority under sub-section (4) of section 14;

(c) the other powers and functions of the Chairperson of the Authority under section 17;

(d) the other powers and functions of the Authority under clause (i) of sub-section (2) of section 23;

(e) the form of annual statement of accounts to be prepared by Authority under sub-section (1) of section 26;

(f) the form and the manner in which and the time within which returns and statements and particulars are to be furnished under sub-section (1) of section 27;

(g) the form and the manner and the time at which the Authority shall furnish annual report under sub-section (2) of section 27;

(h) any other matter which is required to be, or may be, prescribed, or in respect of which provision is to be or may be made by rules.

Power of  
Authority to  
make  
regulations

**54.** (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder, for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the biometric information under clause (g) and the demographic information under clause (k), and the process of collecting demographic information and biometric information from the individuals by enrolling agencies under clause (m) of section 2;

(b) the manner of verifying the demographic information and biometric information for issue of Aadhaar number under sub-section (3) of section 3;

(c) the conditions for accepting an Aadhaar number as proof of identity of the Aadhaar number holder under sub-section (3) of section 4;

(d) the other categories of individuals under section 5 for whom the Authority shall take special measures for allotment of Aadhaar number;

(e) the manner of updating biometric information and demographic information under section 6;

(f) the procedure for authentication of the Aadhaar number under section 8;

(g) the other functions to be performed by the Central Identities Data Repository under section 10;

(h) the time and places of meetings of the Authority and the procedure for transaction of business to be followed by it, including the quorum, under sub-section (1) of section 19;

(i) the salary and allowances payable to, and other terms and conditions of service of, the chief executive officer, officers and other employees of the Authority under sub-section (2) of section 21;

(j) the demographic information and biometric information under clause (a) and the manner of their collection under clause (b) of sub-section (2) of section 23;

(k) the manner of maintaining and updating the information of individuals in the Central Identities Data Repository under clause (f) of sub-section (2) of section 23;

(l) the manner of omitting and deactivating an Aadhaar number and information relating thereto under clause (g) of sub-section (2) of section 23;

(m) the manner of use of Aadhaar numbers for the purposes of providing or availing of various subsidies, benefits, services and other purposes for which Aadhaar numbers may be used under clause (h) of sub-section (2) of section 23;

(n) the terms and conditions for appointment of Registrars, enrolling agencies and other service providers and the revocation of appointments thereof under clause (i) of sub-section (2) of section 23;

(o) the manner of sharing information of Aadhaar number holder under clause (k) of sub-section (2) of section 23;



(p) various processes relating to data management, security protocol and other technology safeguards under clause (m) of sub-section (2) of section 23;

(q) the procedure for issuance of new Aadhaar number to existing Aadhaar number holder under clause (n) of sub-section (2) of section 23;

(r) manner of authorising Registrars, enrolling agencies or other service providers to collect such fees for services provided by them under clause (o) of sub-section (2) of section 23;

(s) policies and practices to be followed by the Registrar, enrolling agencies and other service providers under clause (r) of sub-section (2) of section 23;

(t) the manner of accessing the identity information by the Aadhaar number holder under the proviso to sub-section (5) of section 28;

(u) the manner of sharing the identity information, other than core biometric information, collected or created under this Act under sub-section (2) of section 29;

(v) the manner of alteration of demographic information under sub-section (1) and biometric information under sub-section (2) of section 31;

(w) the manner of and the time for maintaining the request for authentication and the response thereon under sub-section (1), and the manner of obtaining, by the Aadhaar number holder, the authentication records under sub-section (2) of section 32;

(x) any other matter which is required to be, or may be, specified, or in respect of which provision is to be or may be made by regulations.

**55.** Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both the Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying of rules and regulations before Parliament.

**56.** The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Application of other laws not barred.

**57.** Nothing contained in this Act shall prevent the use of Aadhaar number for establishing the identity of an individual for any purpose, whether by the State or any body corporate or person, pursuant to any law, for the time being in force, or any contract to this effect:

Act not to prevent use of Aadhaar number for other purposes under law.

Provided that the use of Aadhaar number under this section shall be subject to the procedure and obligations under section 8 and Chapter VI.

**58. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.



Savings.

**59.** Anything done or any action taken by the Central Government under the Resolution of the Government of India, Planning Commission bearing notification number A-43011/02/2009-Admin. I, dated the 28th January, 2009, or by the Department of Electronics and Information Technology under the Cabinet Secretariat Notification bearing notification number S.O. 2492(E), dated the 12th September, 2015, as the case may be, shall be deemed to have been validly done or taken under this Act.

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